



# ***Exploding The Phone***

db889

[www.explodingthephone.com](http://www.explodingthephone.com)

Bibliographic Cover Sheet

Title	<b>FBI File 166-HQ-1765: Alvin Bubis, et al, Portions Concerning Henry Loman, Sec 2-8</b>
Date	1966-00-00
Abstract	FBI File 166-HQ-1765: Alvin Bubis, et al, portions concerning Henry Loman.
Keywords	Alvin Bubis; Henry Loman; 166-HQ-1765; FBI
Notes	This is sections 2-8 only; we also have section 1 in db888. We also have a more complete copy of the entire 166-HQ-1765 file in db886.
Source	FBI via FOIA

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□ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)

This is in response to your letter dated May 1, 2007, requesting the reprocessing of your FOIPA request number 105076-000 to release information regarding several deceased individuals. Enclosed is a reprocessed copy of FBI Headquarters file 166-1765, volumes 2-8 releasing information regarding your latest request.

Pursuant to Title 28, Code of Federal Regulations, Sections 16.11 and 16.49, there is a fee of ten cents per page for duplication. Your check or money order, payable to the Federal Bureau of Investigation in the amount of \$37.30, is due upon receipt of this communication.

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

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FBI LOS ANG  
FBI LOS ANG.

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION  
MAY 23 1966  
TELETYPE

b6  
b7c

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

GA PLS WITH CONF TU 12:12 PM CST URGENT 5-23-66 JMH  
TO: DIRECTOR, FBI (166-1765) AND LOS ANGELES (166-462)  
FROM: NEW ORLEANS (168-87)

*for*  
*12*  
[REDACTED] AKA - [REDACTED] ET AL, ITAR -  
GAMBLING; ITWI; FBW - CONSPIRACY, BUDED MAY TWO THREE, NINETEEN  
SIXTYSIX, RESEARCH (CRIME RECORDS)

RE BUREAU AIRTEL MAY SIXTEEN, LAST.

THE FOLLOWING CHANGES ARE MADE IN THE THUMBNAIL SKETCH  
OF EUGENE ANTHONY NOLAN:

EUGENE ANTHONY NOLAN RESIDES IN APARTMENT SEVEN NINE,  
SIX ONE FIVE NINE PARIS AVENUE, NEW ORLEANS, LOUISIANA. HE  
IS MARRIED [REDACTED] WHICH MARRIAGE OCCURRED  
JULY SIXTEEN, NINETEEN SIXTYFIVE AT LAS VEGAS, NEVADA. NOLAN  
WAS BORN JANUARY TWO THREE, NINETEEN THIRTY, AND HAS FBI  
NUMBER THREE ZERO ONE THREE TWO TWO E. HE HAS THREE GAMBLING  
ARRESTS AND NO CONVICTIONS. HE IS EXPECTED TO BE TRIED ON THE  
LAST GAMBLING ARREST AT HOUSTON, TEXAS, MAY THIRTY- ONE,  
NINETEEN SIXTYSIX. NOLAN MAINTAINS A FEDERAL WAGERING TAX  
STAMP NUMBER SEVEN TWO - THREE ONE NINE FIVE - P AT ONE ZERO  
FIVE ONE RITTNER DRIVE, BATON ROUGE, LOUISIANA.

END

WA...JPM

FBI WASH DC

LA 51 JUN 8 1966  
FBI LOS ANG.

CC-MR. ROSEN  
8 1966

RECEIVED-CYFE

RECEIVED DE JUSTICE  
FBI

18 JUN 2 1966

166-1765-91

U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 23 1966

TELETYPE

FBI WASH DC

FBI BALTO

1229PM EDST URGENT 5/23/66 MEM

TO DIRECTOR (166-1765) (ATTN: CRIME RECORDS) AND

LOS ANGELES (166-462)

FROM BALTIMORE (166-447) 1P

AKA. ITWI; FBW - CONSPIRACY. OO:L.A.

RE LOS ANGELES TEL TO BUREAU MAY TWENTY LAST, AND BUREAU  
AIRTEL TO LOS ANGELES MAY SIXTEEN LAST; LOS ANGELES AIRTEL TO BUREAU  
MAY TEN LAST.

THUMBNAIL SKETCH OF SUBJECT HERBERT KAUFMAN IN RE LOS ANGELES  
AIRTEL ACCURATE. KAUFMAN WAS BORN NOVEMBER THIRTY NINETEEN TEN.  
IF BUREAU NEEDS ADDITIONAL INFORMATION RE KAUFMAN, SAME IS  
AVAILABLE BUFILE ONE SIX SIX DASH SEVEN EIGHT EIGHT, WITH HERBERT  
KAUFMAN AS SUBJECT. KAUFMAN HAS FBI NUMBER EIGHT ONE SEVEN SEVEN THREE  
ZERO C.

FOR INFO BUREAU AND LOS ANGELES, BALTIMORE HAS DETERMINED THIS

DATE KAUFMAN IS IN BALTIMORE.

END

RCH

FBI WASH DC

X

51 JUN 8 1966 m

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Wick \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

b6  
b7C

REC-32

166-1765-93

16 JUN 2 1966

APPROVED BY 10210CE  
21

10210CE 21

cc - Mr. Rosen  
RECEIVED-CRIME

9-100  
S. J. Gold

PAGE THREE

STATES. THE VIOLATIONS CHARGED THE USE OF AN ELECTRONIC DEVICE KNOWN AS A MULTIFREQUENCY SIGNAL GENERATOR OR "BLUE BOX," WHICH INSTRUMENT IS USED TO CIRCUMVENT NORMAL BILLING PROCEDURES ON LONG-DISTANCE TELEPHONE CALLS. THE INVESTIGATION DETERMINED THAT THE DEVICE WAS USED BY GAMBLERS AS WELL AS OTHER INDIVIDUALS ATTEMPTING TO CIRCUMVENT COSTS OF INTERSTATE CALLS. IN THE CASE OF GAMBLERS THE INSTRUMENT ALSO PREVENTED THE DETECTION OF INDIVIDUAL CALLS.

THE FBI DIRECTOR ADVISED THAT THE FOLLOWING INDIVIDUALS ARRESTED WERE CHARGED WITH VIOLATING THE INTERSTATE TRANSMISSION OF WAGERING INFORMATION STATUTES AND, IF CONVICTED, FACE SENTENCES RANGING UP TO \$10,000 FINE AND/OR TWO YEARS' IMPRISONMENT.

HERBERT KAUFMAN, 55, MARRIED, A RESIDENT OF 3600 LABYRINTH ROAD, BALTIMORE, MARYLAND, AND THE OWNER AND OPERATOR OF KAUFMAN REALTY, 1615 WEST NORTH AVENUE, BALTIMORE.

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b7c

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b7c

PAGE FOUR

THOMAS MILTON BOYD, 36, MARRIED, A RESIDENT OF 212  
ROLLING FORK COURT, NASHVILLE, TENNESSEE, AND A PARTNER IN THE OPERATION  
OF THE UPTOWN RECREATION CENTER, 415 DIEDRICH STREET, NASHVILLE. BOYD  
IS REPORTEDLY A WELL-KNOWN GAMBLING FIGURE IN NASHVILLE.

PAGE FIVE

EUGENE ANTHONY NOLAN, 36, MARRIED, OF 6159 PARIS AVENUE,  
NEW ORLEANS, LOUISIANA.

HENRY EDWARD LOMAN, 50, OF R.F.D. #5, BOX 856,  
WILCOX ROAD, GREENBORO, NORTH CAROLINA. LOMAN IS NOT KNOWN TO  
BE CURRENTLY EMPLOYED BUT FORMERLY OPERATED THE GRIDIRON GRILL IN  
GREENSBORO.

MR. HOOVER ADVISED THAT THE FOLLOWING INDIVIDUALS WERE  
CHARGED WITH VIOLATIONS OF THE FRAUD BY WIRE STATUTES AND, IF CONVICTED,  
FACE SENTENCES RANGING UP TO \$1,000 FINE AND/OR FIVE YEARS'

IMPRISONMENT:

PAGE SIX

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GRAY HOFFMAN, 40, OF 212 SOUTH MARLPOSA, BURBANK, CALIFORNIA. HE IS EMPLOYED AS THE MANAGER OF THE KAHR BEARING CORPORATION, 3010 NORTH SAN FERNANDO ROAD, BURBANK.

JOSEPH SOLDIS, 36, OF 4612 SHARYNNE LANE, TORRANCE, CALIFORNIA. HE IS EMPLOYED AS A SALESMAN BY ESCOA CORPORATION, 15519 SOUTH CRENSHAW BOULEVARD, GARDENA, CALIFORNIA.

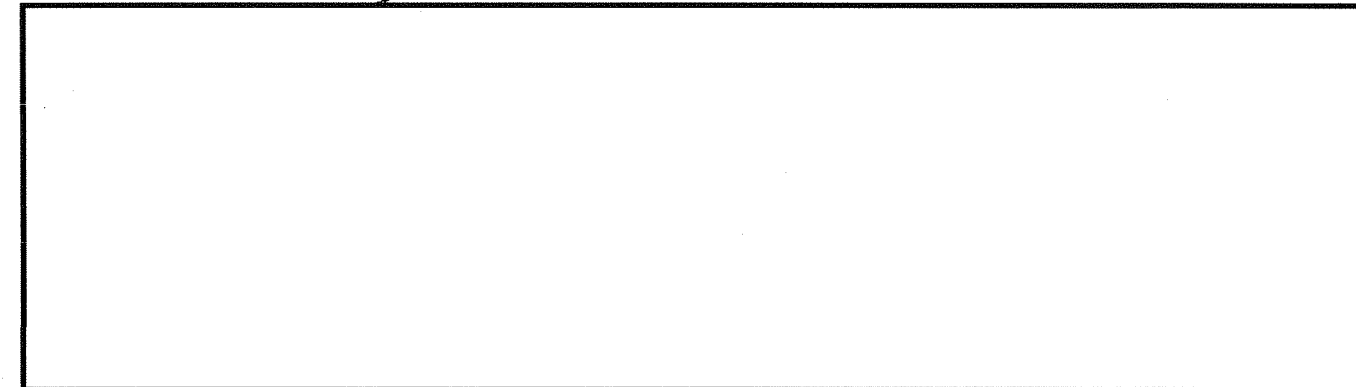
VIRGIL SALATHIEL, A RESIDENT OF 5055 WALNUT HILL LANE, DALLAS, TEXAS, AND LOS ANGELES, CALIFORNIA. SALATHIEL OPERATES THE TECO WHEEL BALANCING COMPANY, 1005 ARBOR VITAE, INGLEWOOD, CALIFORNIA, WHICH COMPANY ALSO HAS FACILITIES IN DALLAS, TEXAS.

PAGE SEVEN

CARL LOVELACE CLEMENT, APPROXIMATELY 55, OF 9336  
LEMONA, SEPULVEDA, CALIFORNIA. HE IS MARRIED AND EMPLOYED AS A  
MANAGER OF ENGINEERS AT THE ESCOA CORPORATION, 15519 SOUTH CRENSHAW,  
GARDENA, CALIFORNIA.



THE FBI DIRECTOR ADVISED THAT THE FOLLOWING TWO  
INDIVIDUALS WERE ALSO ARRESTED AND CHARGED IN COMPLAINTS WITH AIDING  
AND ABETTING FRAUD BY WIRE AND, IF CONVICTED, FACE SENTENCES RANGING  
UP TO \$1,000 FINE AND/OR FIVE YEARS' IMPRISONMENT.



THE FBI DIRECTOR ALSO STATED THAT



WAS ALSO CHARGED IN A



REPORTING OFFICE LOS ANGELES	OFFICE OF ORIGIN LOS ANGELES	DATE 6/1/66	INVESTIGATIVE PERIOD 4/11 - 5/25/66
TITLE OF CASE GRAY HOFFMAN - FUGITIVE		REPORT MADE BY [REDACTED]	TYPED BY jbt
		CHARACTER OF CASE FBW 6/9	5

- P -

## LOS ANGELES

AT LOS ANGELES, CALIFORNIA. Will follow and report prosecution.

## ADMINISTRATIVE

This case was opened in connection with case entitled [REDACTED] Et Al - ITAR-Gambling; FBW-Conspiracy," Los Angeles file 166-462, which involved nationwide arrests and publicity. The number of copies being sent to the Bureau is in accord with requirements for 166- classification cases, rather than 87- classification, under which Fraud By Wire cases are normally carried.

Case has been: Pending over one year ☐ Yes ☐ No; Pending prosecution over six months ☐ Yes ☐ No

**APPROVED**

**SPECIAL AGENT  
IN CHARGE**

DO NOT WRITE IN SPACES BELOW

**COPIES MADE:**

3 - Bureau  
1 - USA, Los Angeles  
2 - Los Angeles (166-516)

17 JUN 3 1968

REC-10

102

### Dissemination Record of Attached Report

Agency	CC-AAC	Criminal Division,
Request Recd.	Organized Crime	Extortion Section
Date Fwd.	Room 2524	
How Fwd.	<del>185</del>	
By	BT JUN 27 1966	6/P 1166

### Notations:

STAFF SECT.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Los Angeles

Report of:  
Date:SA [REDACTED]  
6/1/66

Office: Los Angeles, California

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b7C

Field Office File #:

166-516

Bureau File #:

Title:

GRAY HOFFMAN

Character:

FRAUD BY WIRE

Synopsis:

On 4/11/66, Pacific Telephone and Telegraph Company official, Los Angeles, advised that there has been wide usage of a multi-frequency signal generator throughout the United States which circumvents billing procedures and detection of long-distance telephone calls. AUSA LALLY, Los Angeles, advised it was his opinion that users of this device were in violation of Fraud By Wire statutes if interstate calls were made with the device. [REDACTED]

b3

COPIES TAKEN

[REDACTED] On 5/24/66, AUSA LALLY authorized the filing of a complaint charging HOFFMAN with violation of Title 18, Section 1343, USC. On 5/24/66, a complaint was filed by SA [REDACTED] before USC RUSSELL R. HERMANN, Los Angeles, and a warrant was issued charging HOFFMAN with Fraud By Wire. On 5/25/66, HOFFMAN was arrested by Bureau Agents at his residence, Burbank, California, and one tone device was recovered. HOFFMAN appeared before USC HERMANN on the same date, and the hearing was continued until 6/8/66. Bond was set at \$1000, and HOFFMAN was remanded to custody of the USM in lieu of bond. FFL submitted 5/24/66.

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- P -

PREDICATION

On April 11, 1966, a conference was held at the office of Assistant United States Attorney JOHN LALLY, Chief, Organized Crime Unit, Los Angeles, California. In attendance were the following individuals from the Pacific Telephone and Telegraph Company, Los Angeles, California:

[REDACTED]  
[REDACTED]  
[REDACTED] for Pacific  
Telephone and Telegraph Company

The following individuals were present from  
General Telephone Company:

[REDACTED]

The following individuals were present from  
the Federal Bureau of Investigation:

ARNOLD C. LARSON, Assistant Special Agent in  
Charge

[REDACTED] Special Agent  
[REDACTED] Special Agent

Representatives of the Pacific Telephone Company advised that telephone companies throughout the United States have been aware of the wide usage of a multi-frequency signal generator called a "blue box" which circumvents billing procedures as well as detection of long-distance telephone calls. These representatives advised that their company's Legal Department has stated that the company has a right to monitor subscribers' telephone lines to determine the existence of any fraud against the company; further, according to the Legal Department, the company has a responsibility to disseminate to the appropriate investigative agency any violation of federal law which might be evidenced through such monitoring.

Pacific Telephone and Telegraph Company officials advised that the "blue box" are and have been used in the greater Los Angeles area.

LA 166-516

Assistant United States Attorney JOHN LALLY stated that it was his opinion that users of the "blue box" were in violation of Fraud by Wire statutes if the calls were made interstate utilizing the device. In addition, he advised that users of this device could also be prosecuted for violation of federal gambling statutes if the "blue box" were utilized in interstate calls in furtherance of gambling operations.

Assistant U. S. Attorney LALLY advised that if the telephone company, acting on their own initiative and not at the request of the FBI, monitored individuals using this device, any tapes made during the monitoring would be admissible evidence.

[REDACTED]  
[REDACTED] present at this conference advised that they were in accord with Assistant United States Attorney LALLY's opinion

TECHNICAL DESCRIPTION OF THE  
MULTI-FREQUENCY TONE GENERATOR  
ALSO KNOWN AS THE "BLUE BOX"

The following information concerning the operation of the "blue box" was provided by [REDACTED]

[REDACTED] on May 3, 1966.

The function of the "blue box" is to simulate pulses used by telephone operators and automatic dialing equipment to make long-distance telephone calls. By using the "blue box" a subscriber is able to make direct distant dial toll calls without activating telephone company billing equipment.

The caller accomplishes this by dialing the area code, a three digit number followed by the number of the universal information operator which is 555-1212. The universal information operator call is a no charge number.

LA 166-516

At any time after the ringing commences the "blue box" is used to introduce a 2600 cycle per second (cps) tone into the transmitter of the telephone instrument. This is accomplished by pressing appropriate button on the "blue box" and at the same time holding a small speaker attached to the "blue box" near the transmitter of the telephone instrument being used. This drops the information operator from the line, but retains the circuit in the long-distance toll trunk. Then the start button or key pulse button is pressed, introducing a multi-frequency tone of 1100 and 1700 cps into the transmitter, thereafter the area code followed by the telephone number of the party being called is pulsed by using the appropriate buttons in proper sequence. The frequency used to represent the various digits is as follows:

<u>DIGIT</u>	<u>FREQUENCY IN CPS</u>
1	700 - 900
2	700 - 1100
3	900 - 1100
4	700 - 1300
5	900 - 1300
6	1100 - 1300
7	700 - 1500
8	900 - 1500
9	1100 - 1500
0	1300 - 1500

Another button on the "blue box" usually marked "stop" is then depressed which introduces a multi-frequency tone of 1500 and 1700 cps into the transmitter. This completes the calling operation and rings the called party's telephone.

There are variations to the method of completing the calls through the utilization of the "blue box", but the general procedure is as described above.

LA 166-516

On May 24, 1966, Assistant U. S. Attorney JOHN LALLY, Southern District of California, Los Angeles, California, advised SA [redacted] that following a review of [redacted]

it appeared that GRAY HOFFMAN was in violation of Title 18, Section 1343, U. S. Code. LALLY therefore authorized the filing of a complaint charging HOFFMAN with the above violation.

On May 24, 1966, an authorized complaint was filed by SA [redacted] before U. S. Commissioner RUSSELL R. HERMANN, Southern District of California, Los Angeles, California, and a warrant was issued charging GRAY HOFFMAN with violation of Title 18, U. S. Code, Section 1343, in that on or about April 28, 1966, at Los Angeles, California, he did knowingly employ an electronic device known as a multi-frequency signal generator in making interstate telephone calls to circumvent the normal billing procedures of the Pacific Telephone Company, thus perpetrating a fraud by the use of an interstate wire facility. The above complaint was based on an affidavit of [redacted] Pacific Telephone Company, Los Angeles, California, which stated in part, as follows:

The by-passing of the Telephone Company's billing equipment occurs when a distant long-distance information operator is reached and a signal from the device is pulsed, disengaging such distant operator and leaves the calling party in control of a toll trunk. The volume of calls to the long-distance information operator is disproportionate to the volume of toll calls actually billed. An accounting record known as a 555-1212 print of calls to distant information operators is maintained by the Telephone Company of this service which is not billed to the subscriber. The normal holding time for these calls is usually one or two minutes. A time greatly in excess of this indicates improper usage of facilities by the calling subscriber.

The Telephone Company accounting records for March, 1966, disclose that GRAY HOFFMAN of 212 South Mariposa, Burbank, California, whose telephone number is 848-2327, was making an inordinate number of calls of unusual duration for the Los Angeles area to information operators in different parts of the United States. Such evidence indicated to [redacted] that someone at the above telephone number was using such a device.

LA 166-516

As a result of the information reflected in said records, the Telephone Company attached automatic monitoring equipment to telephone no. 848-2327, and beginning on April 28, 1966, to May 5, 1966, a recording was made of calls placed on said telephone line which showed that a device was being used in placing long-distance calls outside the State of California.

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A review of the above-mentioned accounting record known as a 555-1212 print of calls to distant information operators for numbers 842-3212 and 848-2327, both listed to GRAY HOFFMAN, 212 South Mariposa Street, Burbank, California, indicated the following information:

From July through October, 1965, and during March, 1966, approximately 117 calls were placed to the information operator from 842-3212 and approximately 67 calls were placed to the information operator from 848-2327. These calls ranged in time from one minute duration to 75 minutes duration with most of them being from ten to twenty minutes in length.

## FEDERAL BUREAU OF INVESTIGATION

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Date June 1, 1966

GRAY HOFFMAN, 212 South Mariposa Street, Burbank, California, was arrested at his residence by SA [redacted] and SA [redacted]. SA [redacted] and SA [redacted] were also present at the time of arrest as they were endeavoring to locate [redacted] for interview.

HOFFMAN was advised by SA [redacted] of the charges against him and was told he did not have to make any statement. He was advised further that any statement he did make could be used against him in a court of law and that he could consult with an attorney of his own choice or anyone else before making any statement at all. HOFFMAN was also advised that if he could not afford an attorney the court would obtain one for him.

HOFFMAN was interviewed at his residence following his arrest and while being transported to the U. S. Commissioner's office, Los Angeles, California, at which time he furnished the following information:

HOFFMAN said he is presently employed as a production control manager at Kahr Bearing Corporation, 3010 North San Fernando Boulevard, Burbank, California, and has been so employed for about three and one-half years. He advised further that as a hobby he constructs various electronic devices which he uses around his home.

HOFFMAN stated that about one and one-half years ago he began working on an electronic device known as a frequency generator, but it was not perfected for use until about the latter part of 1965. He said this device is composed of two separate units which he refers to as a keying unit and a frequency generator. HOFFMAN displayed the above two units to the agents present and thereafter removed the device from his telephone. He said he devised the unit himself and it is the only one he made. HOFFMAN voluntarily gave possession of the above device to SA [redacted] and SA [redacted] and thereafter signed a receipt for the items.

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On 5/25/66 at Los Angeles, California File # Los Angeles 166-516  
by SAs [redacted] and [redacted] jbt Date dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.



2  
LA 166-516

HOFFMAN advised further that he used the device to make long-distance telephone calls but they were calls of a personal nature and did not involve any gambling activities.

HOFFMAN stated that [redacted] formerly resided at his residence until about January, 1966, but now resides in [redacted]. He said that he did not believe [redacted] was involved in the use of the above device while residing at his residence.

The following description was obtained from interview and observation:

Race	White
Sex	Male
Born	September 23, 1920, San Francisco, California
Height	6'
Weight	168 pounds
Hair	Black - crewcut
Eyes	Brown - wears glasses
Scars	None
Marital Status	Single
Social Security No.	556-24-7693
Arrest Record	None admitted
Father	HARRY C. HOFFMAN, deceased
Mother	LILLIAN HOFFMAN, deceased



LA 166-516

On May 25, 1966, GRAY HOFFMAN, 212 South Mariposa Street, Burbank, California, appeared before U. S. Commissioner, RUSSELL R. HERMANN, Southern District of California, Los Angeles, California. HOFFMAN was advised that he was charged with violation of Title 18, U. S. Code, Section 1343. HOFFMAN requested time to secure an attorney and U. S. Commissioner HERMANN continued the hearing until June 8, 1966, at 10:00 A.M. Bond was set at \$1000 and HOFFMAN was remanded to the custody of the U. S. Marshal in lieu of bond.

On May 24, 1966, a Fugitive Form Letter was submitted to the Bureau.

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>6/1/66</b>	INVESTIGATIVE PERIOD <b>4/11/66-5/31/66</b>
TITLE OF CASE <b>CUS per LA tel 5-25-66 JOSEPH PETER SOLDIS-FUGITIVE; CARL LOVELACE CLEMENT- FUGITIVE CUS per LA tel 5-25-66</b>		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 20px;"></div>	TYPED BY <b>ajs</b>
		CHARACTER OF CASE  <b>FBW 6-8-66</b>	

-P-

ADMINISTRATIVE

This case was opened in connection with case entitled,  Et Al-ITAR-GAMBLING; FBW-CONSPIRACY, "Los Angeles file , which involved nationwide arrests and publicity. The number of copies being sent to the Bureau are in accord with requirements for 166 classification cases rather than 87 classification under which FBW cases are normally carried.

LEADSATLANTA

AT ATLANTA GEORGIA: Will identify subscribers to telephone number  called from Escoa Corporation on April 14, 1966 and telephone number  called

Case has been: Pending over one year ☐ Yes ☐ No; Pending prosecution over six months ☐ Yes ☐ No

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: ③ - Bureau 1 - USA, Los Angeles 2 - Atlanta 2 - Boston 2 - Los Angeles (166-507)		<b>166-1765-104</b> REC-38 JUN 21 1966 JUN 12 1 55 PM '66 FUG. SUP. STAT. SECT.	
Dissemination Record of Attached Report		Notations	
Agency		<div style="border: 1px solid black; width: 100px; height: 50px; transform: rotate(-15deg);"></div>	
Request Recd.	CC: AAG, Criminal Division,		
Date Fwd.	Organized Crime & Racketeering Section		
How Fwd.	From <i>[initials]</i>		
By			

57 JUN 28 1966

LA 166-507

from Escoa on April 13, 1966 and interview for all details regarding calls. In event subscriber was not recipient of calls; attempt to locate and interview person accepting the call and attempt to obtain all details relating thereto.

BOSTON

AT BOSTON, MASSACHUSETTS: Will identify subscriber to telephone number [redacted] called from the Escoa Corporation on April 15, 1966 and interview for all details regarding call. In event subscriber was not the recipient of the call attempt to locate and interview person accepting the call and attempt to obtain all details relating thereto.

LOS ANGELES

AT LOS ANGELES, CALIFORNIA: (1) Will attempt to locate and interview [redacted]

(2) Will follow and report on prosecution.

-B\*-

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Los Angeles

Report of: [REDACTED]

Office: Los Angeles, California

Date: 6/1/66

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Field Office File #: 166-507

Bureau File #:

Title: JOSEPH PETER SOLDIS;  
CARL LOVELACE CLEMENT

Character: FRAUD BY WIRE

Synopsis: On April 11, 1966, an official of the Pacific Telephone and Telegraph Company, Los Angeles, California, advised that there has been wide usage of multi-frequency signal generators throughout the United States which circumvents billing procedures and detection of long distance telephone calls. Assistant United States Attorney JOHN LALLY, Los Angeles, advised it was his opinion that users of these devices were in violation of the Fraud By Wire statutes if interstate calls were made with the device. [REDACTED]

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[REDACTED] On 5/24/66, Assistant United States Attorney LALLY authorized the filing of a complaint charging HOFFMAN with violation of Title 18, Section 1343, U. S. Code. On 5/24/66 a complaint was filed by SA [REDACTED] before United States Commissioner RUSSELL R. HERMANN, Los Angeles and a warrant was issued charging SOLDIS and CLEMENT with Fraud by Wire. On 5/25/66 SOLDIS and CLEMENT were arrested by Special Agents of the Federal Bureau of Investigation at their residences. SOLDIS furnished no information concerning the multi-frequency signal generators. CLEMENT admitted knowledge of them and voluntarily took the arresting agents by the office of the Escoa Corporation but when he checked his desk where he generally kept the device

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b7C

LA 166-507

he learned it was missing. SOLDIS and CLEMENT appeared before United States Commissioner HERMANN on May 25, 1966. The hearing for SOLDIS was continued until June 1, 1966 and the hearing for CLEMENT was continued until June 8, 1966. Bond was set at \$1,000 for SOLDIS and CLEMENT and both were remanded to custody of United States Marshal in lieu of bond. On 5/24/66 Fugitive Form letters regarding SOLDIS and CLEMENT submitted.

-P-

DETAILS

LA 166-462

PREDICATION

On April 11, 1966, a conference was held at the Office of Assistant United States Attorney JOHN F. LALLY, Chief, Organized Crime Unit, Los Angeles, California. In attendance were the following individuals from the Pacific Telephone and Telegraph Company, Los Angeles, California:

[REDACTED]  
[REDACTED] for Pacific  
Telephone and Telegraph Company

The following individuals were present from the General Telephone Company:

[REDACTED]

The following individuals were present from the Federal Bureau of Investigation:

ARNOLD C. LARSON, Assistant Special Agent in  
Charge

[REDACTED] Special Agent  
[REDACTED] Special Agent

Representatives of the Pacific Telephone Company advised that telephone companies throughout the United States have been aware of the wide usage of a multi-frequency signal generator called a "blue box" which circumvents billing procedures as well as detection of long-distance telephone calls. These representatives advised that their company's Legal Department has stated that the company has a right to monitor subscribers' telephone lines to determine the existence of any fraud against the company; further, according to the Legal Department, the company has a responsibility to disseminate to the appropriate investigative agency any violation of Federal law which might be evidenced through such monitoring.

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Pacific Telephone and Telegraph Company officials advised that "blue boxes" are, and have been, used in the greater Los Angeles area.

Assistant U. S. Attorney JOHN F. LALLY stated that it was his opinion that users of the "blue box" were in violation of Fraud By Wire statutes if the calls were made interstate utilizing the device. In addition, he advised that the users of this device could also be prosecuted for violation of Federal gambling statutes if the "blue boxes" were utilized in interstate calls in furtherance of gambling operations.

Assistant U. S. Attorney LALLY advised that if the telephone company, acting on their own initiative and not at the request of the FBI, monitored individuals using this device, any tapes made during the monitoring would be admissible evidence.

[REDACTED]  
present at this conference advised that they were in accord with Assistant U. S. Attorney LALLY's opinion [REDACTED]  
[REDACTED]

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LA 166-

TECHNICAL DESCRIPTION OF THE  
MULTI-FREQUENCY TONE GENERATOR  
ALSO KNOWN AS THE "BLUE BOX"

The following information concerning the operation of the "blue box" was provided by [REDACTED]

[REDACTED] on May 3, 1966.

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The function of the "blue box" is to simulate pulses used by telephone operators and automatic dialing equipment to make long-distance telephone calls. By using the "blue box" a subscriber is able to make direct distant dial toll calls without activating telephone company billing equipment.

The caller accomplishes this by dialing the area code, a three digit number followed by the number of the universal information operator which is 555-1212. The universal information operator call is a no charge number. At any time after the ringing commences the "blue box" is used to introduce a 2600 cycle per second (cps) tone into the transmitter of the telephone instrument. This is accomplished by pressing appropriate button on the "blue box" and at the same time holding a small speaker attached to the "blue box" near the transmitter of the telephone instrument being used. This drops the information operator from the line, but retains the circuit in the long-distance toll trunk. Then the start button or key pulse button is pressed, introducing a multi-frequency tone of 1100 and 1700 cps into the transmitter, thereafter the area code followed by the telephone number of the party being called is pulsed by using the appropriate buttons in proper sequence. The frequency used to represent the various digits is as follows:

<u>DIGIT</u>	<u>FREQUENCY IN CPS</u>
1	700 - 900
2	700 - 1100
3	900 - 1100
4	700 - 1300
5	900 - 1300



LA 166-

<u>DIGIT</u>	<u>FREQUENCY IN CPS</u>
6	1100 - 1300
7	700 - 1500
8	900 - 1500
9	1100 - 1500
0	1300 - 1500

Another button on the "blue box" usually marked "stop" is then depressed which introduces a multi-frequency tone of 1500 and 1700 cps into the transmitter. This completes the calling operation and rings the called party's telephone.

There are variations to the method of completing the calls through the utilization of the "blue box", but the general procedure is as described above.

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Records, Pacific Telephone and Telegraph Company, Los Angeles, California, reveal that account known as 555-1212 print of calls to distant information operators indicated that over 2000 such calls were made from telephones 772-6161, 772-6162, 772-6163, 644-1171, listed to Escoa Corporation, 15519 Crenshaw Boulevard, Gardena, California during the period September, 1965 to February, 1966. These calls ranged in duration from one minute to 177 minutes.

On May 24, 1966, Assistant United States Attorney JOHN LALLY, Southern District of California, Los Angeles, California, advised SA [redacted] that following a

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[redacted] it appeared that JOE SOLDIS and CARL CLEMENT were in violation of Section 1343, Title 18, U. S. Code. LALLY therefore authorized the filing of a complaint charging SOLDIS and CLEMENT with the above violation.

The authorized complaint was filed on May 24, 1966 by SA [redacted] before United States Commissioner RUSSELL R. HERMANN charging CARL CLEMENT with violation of Section 1343, Title 18, U. S. Code in that on or about April 14, 1966, at Los Angeles, California, Southern District of California did knowingly employ an electronic device known as a multi-frequency signal generator in making interstate telephone calls to circumvent the normal billing procedures of the Pacific Telephone Company, thus perpetrating a fraud by the use of an interstate wire facility.

This complaint was based on an affidavit of [redacted] Pacific Telephone Company, 742 South Hill Street, Los Angeles, California, subscribed and sworn to on May 24, 1966, which stated in part the following:

"The by-passing of the Telephone Company's billing equipment occurs when a distant long distance information operator is reached and a signal from the device is pulsed, disengaging such distant operator and leaves the calling party in control of the toll trunk. The volume of calls to the long distance information operator is disproportionate to the volume of toll calls actually billed. An account record known as a 555-1212 print of calls to distant information operators is maintained by the Telephone Company of this service which is not billed to the subscriber. The normal holding time for these calls is usually one or two minutes. A time greatly in excess of this indicates improper usage of facilities by the calling subscriber.

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"That the Telephone Company accounting records for March, 1966, disclosed that CARL CLEMENT, located at Escoa Corporation, 15519 Crenshaw Boulevard, Gardena, California, whose telephone number is 772-6163 was making an inordinate number of calls of an unusual duration from the Los Angeles area to information operators in different parts of the United States. Such evidence indicated to affiant that someone at the above telephone number and above premises was using such a device;

"That as a result of said records, the Telephone Company attached automatic monitoring equipment to said telephone number 772-6163, and beginning April 12, 1966 to April 16, 1966, a recording was made of calls placed on said telephone line which shows that a device was being used in placing long distance calls outside the State of California;

[REDACTED]

The authorized complaint was filed by SA [REDACTED] on May 24, 1966, before United States Commissioner RUSSELL R. HERMANN, charging JOE SOLDIS with violation of Section 1343, Title 18, U. S. Code, in that on or about October 20, 1965 to November 23, 1965, at Los Angeles, California, Southern District of California did knowingly employ an electronic device known as a multi-frequency signal generator in making interstate telephone calls to circumvent the normal billing procedures of the Pacific Telephone Company, thus perpetrating a fraud by the use of an interstate wire facility.

This complaint was based on an affidavit of [REDACTED] Pacific Telephone Company, 742 South Hill Street, Los Angeles, California, sworn and subscribed to on May 24, 1966, which states in part the following:

"The by-passing of the Telephone Company's billing equipment occurs when a distant long distance information operator is reached and a signal from the device is pulsed, disengaging such distant operator and leaves the calling party in control of a toll trunk. The volume of calls to the long distance information operator is disproportionate to the volume of toll calls actually billed. An accounting record known as a 555-1212 print of calls to distant information operators is maintained by the Telephone Company of this service which is not billed to

LA 166-507

the subscriber. The normal holding time is usually one or two minutes. A time greatly in excess of this indicates improper usage of facilities by the calling subscriber.

"The Telephone Company accounting records for October, 1965, disclosed that JOE SOLDIS, located at Escoa Corporation, 15519 Crenshaw Boulevard, Gardena, California, whose telephone number is 772-6163, was making an inordinate number of calls of unusual duration for the Los Angeles area to information operators in different parts of the United States. Such evidence indicated to affiant that someone at the above telephone number and above premises was using such a device."

As a result of the information reflected in said records, the Telephone Company attached automatic monitoring equipment to said telephone number 772-6163 and beginning on October 19, 1965, to November 26, 1965, a recording was made of calls placed on said telephone line which showed that a device was being used in placing long distance calls outside the State of California.

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## FEDERAL BUREAU OF INVESTIGATION

Date 6/1/66

On May 25, 1966, JOSEPH PETER SOLDIS was arrested at his residence, 4612 Sharynne Lane, Torrance, California, by SAs [redacted] and [redacted]. SOLDIS was informed that he did not have to say anything and that any information furnished by him could be used against him in a court of law. He was informed by SA [redacted] that he had a right to talk to a lawyer of his own choosing or anyone else before saying anything at all and if he could not pay for a lawyer, the judge would get one for him.

At the time of arrest SOLDIS was not dressed. He was permitted to dress and shave during which time SA [redacted] advised him of the charges filed against him. A photograph of a multi-frequency signal generator was shown to SOLDIS and he stated he is not familiar with the device and declined to discuss this type device. He admitted he uses the telephone information service extensively in his business because he has to make telephone calls all over the United States. During the time SOLDIS was dressing and shaving permission was requested to search his residence and a statement was presented to him to sign authorizing a search. He declined to sign the consent to search but invited the arresting agent to make a search. A search was conducted incidental to arrest and no pertinent material or property was located. SOLDIS signed a certificate indicating that the agents removed nothing from his custody.

At 7:28 AM arresting agents and SOLDIS left his residence. SOLDIS furnished the following information en route to the United States Commissioner's Office by way of the Office of the Federal Bureau of Investigation, 1340 West Sixth Street, Los Angeles, California, where he was photographed and fingerprinted.

SOLDIS is vice president of Escoa Corporation, 15519 Crenshaw Boulevard, Gardena, California. This firm is engaged in the business of recruiting engineers and industrial employees for large companies throughout the United States. SOLDIS described his profession as salesman-engineer and stated that his employment requires that he have secret clearance. The home office of Escoa Corporation is located in Phoenix,

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On 5/25/66 at Torrance and Los Angeles File # Los Angeles 166-507  
California  
by SA [redacted] /ajs Date dictated 5/25/66

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Arizona, but the company has field offices in many of the larger cities in the United States. According to SOLDIS the field offices operate independently of the headquarters office to a great extent.

SOLDIS resides at 4612 Sharynne Lane, Torrance, California. He is married and has two young sons. [redacted] works part time in his office as a [redacted]. [redacted] left his residence during the time SOLDIS was dressing and shaving. SOLDIS' mother, who he stated recently had a heart attack, was also at his residence, but was not present in a room where SOLDIS was until just before SOLDIS and the agents departed his residence.

SOLDIS stated that he trained as an electronic engineer but has not worked as such for some time. He formerly resided and worked on Long Island, New York.

After SOLDIS had been photographed and fingerprinted at the FBI Office, he requested permission to call his mother at his residence to assure her that he was all right. This request was granted and SOLDIS dialed a number and talked to someone. He then requested permission to call his mother-in-law to attempt to locate his wife, whom he described as very nervous and upset when she left their residence. This request was granted. He then requested permission to call his office to determine whether or not his wife was at his office. This request was granted. He called his office and talked to someone. The first party he talked with indicated that another employee was there and SOLDIS asked to speak to the second party. He greeted the second employee as [redacted]. During the course of the conversation he commented that "they asked by about a box and I told them I did not know anything about it."

After these telephone calls were completed, SOLDIS was transported to the United States Commissioner's Office, Federal Building, Los Angeles.

The following description of SOLDIS was obtained by interrogation and observation:

Name	JOSEPH PETER SOLDIS
Race	Caucasian
Sex	Male
Birth Data	Born March 28, 1930 in Derby, Connecticut
Height	5'10"
Weight	210 pounds
Hair	Brown

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Eyes  
Build  
Marital Status  
Residence

Blue  
Heavy  
Married  
4612 Sharynne Lane,  
Torrance, California

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On May 25, 1966, JOSEPH PETER SOLDIS was taken before the United States Commissioner RUSSELL R. HERMANN at which time SOLDIS requested 30 days delay to permit him to obtain an attorney. Mr. HERMANN continued the hearing to 10:00 AM, June 1, 1966 for SOLDIS to obtain counsel and to set a preliminary hearing if such is desired. Mr. HERMANN set bond at \$1,000.00 and remanded SOLDIS to the custody of the United States Marshal in lieu of bond.



## FEDERAL BUREAU OF INVESTIGATION

5/31/66

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Date \_\_\_\_\_

Mr. CARL LOVELACE CLEMENT was placed under arrest by SA's [ ] and [ ] at his residence, 9336 Lemona Avenue, Sanulveda, California, on May 25, 1966. He was advised by SA [ ] that he did not have to make any statement, that any statement he did make could be used against him in a court of law and that he had a right to consult an attorney or anyone else prior to making any statements. He was advised that if he could not afford to hire an attorney, one would be appointed for him by the court.

At the time of arrest at 7:13 a.m., Mr. CLEMENT was in the bathroom of his residence shaving. He was permitted to finish shaving and dress and during this time he was advised by SA [ ] of the charges which had been filed against him and that a search was about to be made by the arresting Agents of his bedroom, in which his telephone was located, for the purpose of locating an electronic device used to make long distance telephone calls circumventing telephone company company billing equipment. Mr. CLEMENT denied knowledge of any such instrument and SA [ ] showed him photographs of a similar device and he then acknowledged that he had a device which resembled a cigar box similar to the one shown in the photographs, but which more resembled a cigar box. He stated that this device was at that moment locked in his desk drawer at his office at 15519 South Crenshaw in Gardena. Mr. CLEMENT agreed to furnish this device to the arresting Agents if he was permitted to stop by his office. He referred to this box as "an amazing device" but said that he did not quite understand how it worked. He said his box was available to other persons in his office but he would not specify who else may have used it. He avoided making any direct admission that he himself had used this box on long distance calls, stating that the device did not belong to him. CLEMENT inquired if anyone else from his office was being arrested at this time but he was not given any direct answer.

While continuing to dress, CLEMENT inquired as to

On 5/25/66 at Los Angeles, California File # Los Angeles 166-506  
by SA's [ ] and [ ] /cem Date dictated 5/25/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

LA 166-506

the possibility of making a bond and was permitted to use the telephone in his bedroom on two occasions, but he apparently was not able to complete either call. No search of CLEMENT's residence was made.

At 7:48 a.m. CLEMENT was fully dressed and was placed in an FBI automobile and driven to his office. During this trip he was permitted to read the complaint which had been filed against him.

CLEMENT stated that if he had used such a device, it would not have been with any intent to defraud anyone. He said if he had used such a device, it would have been during his "idle time" and if he had to pay for such calls he would not have made them as he could not afford it. He said it seemed to him that if using the device was a violation of any law that arrests would have been made sooner than now.

CLEMENT indicated that he was not certain if he should be furnishing information about this matter, at which time he was then asked to furnish background information and descriptive data regarding himself. After that, CLEMENT asked if the Agents were familiar with a man named [REDACTED]. He stated that [REDACTED]

[REDACTED] He said [REDACTED] explained to him that the device operates on a "free line" through which telephone operators all over the country talk with each other and no charges are made for any calls made on this line. Therefore, CLEMENT did not think that use of such a line would constitute any fraud. He said [REDACTED] left the box in his office and it was his understanding that [REDACTED] was to return to be paid, however he has never returned.

Upon arriving at 15519 South Crenshaw in Gardena, CLEMENT led the Agents to Room 201 at that address, which is the office of ESCOA Corporation, and entered. CLEMENT spoke briefly with the girl in the outer office and entered the rear office containing two desks and other office furniture. CLEMENT produced a key and opened the center desk drawer of his desk and exclaimed, "It's gone! It was right here last night when I left." CLEMENT stated that his boss, JOE SOLDIS,

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is the only other person who has a key to CLEMENT's desk and indicated that SOLDIS obviously took the device out of his drawer. CLEMENT found a key on his desk top, which he said was a strange key but assumed it may be the key to the desk used by SOLDIS in the same room and offered to open that desk, but this offer was declined by the Agents. CLEMENT looked into the other drawers of his own desk to satisfy himself that the device was not in his desk. At that time, the telephone on CLEMENT's desk rang and he answered it, indicating the caller was his boss, JOE SOLDIS. He told SOLDIS that FBI Agents were with him and asked SOLDIS what happened to the box. CLEMENT shrugged his shoulders, said a few more words and hung up. He told the Agents that in response to his question of what happened to the box, SOLDIS replied, "What box, I don't know anything about any box." No search was made of CLEMENT's desk or office by the arresting Agents.

CLEMENT was then taken by the Agents by automobile to the FBI office at 1340 West Sixth Street, Los Angeles, where he was fingerprinted and photographed, after which he was transported to the office of the U.S. Commissioner in the Federal Building. After the U.S. Commissioner remanded CLEMENT to the custody of the U.S. Marshal in lieu of \$1,000 bond, CLEMENT was taken to the office of the U.S. Marshal in the Federal Building where he was booked in as a prisoner. Afterward, CLEMENT was contacted by his attorney, [REDACTED]

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CLEMENT then stated that he did not desire to furnish any further information regarding this matter until after he could consult with his attorney.

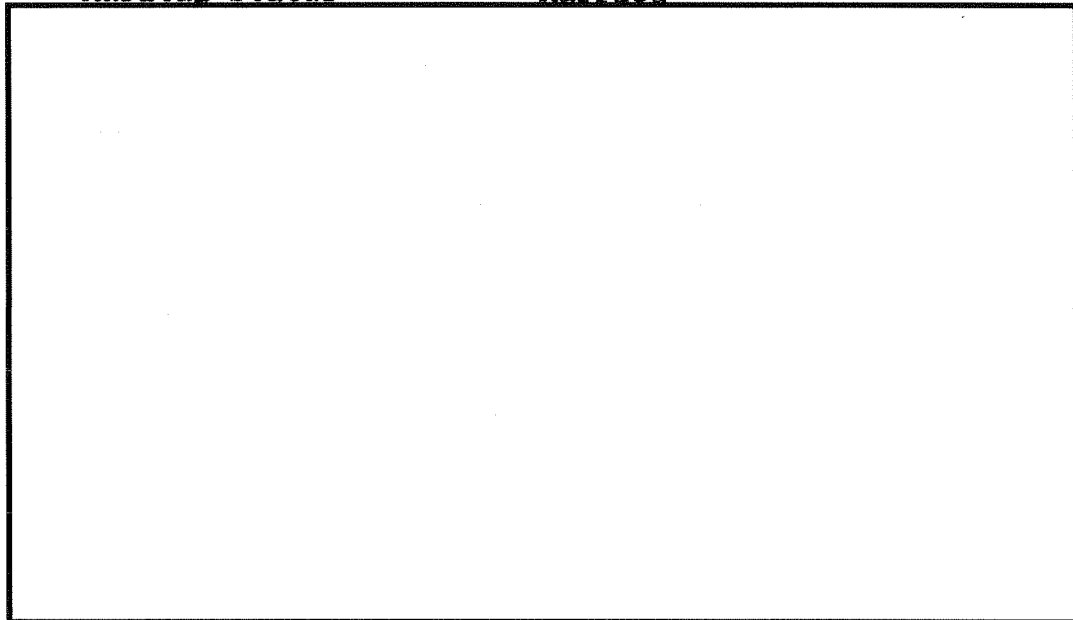
The following description and background information was obtained:

Name	CARL LOVELACE CLEMENT
Race	White
Sex	Male
Height	5'6"
Weight	155
Build	Medium

4

LA 166-506

Eyes	Blue-gray
Hair	Bald (wears dark brown toupee)
Age	52
Date of Birth	November 24, 1913
Place of Birth	Paris, Tennessee
Peculiarities	Mole on right cheek
Marital Status	Married



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b7c

Residence	9336 Lemona Avenue Sepulveda, California Telephone 894-6038
Employment	Engineering Manager, ESCOA Corporation, 11519 South Crenshaw Boulevard, Gardena, California Telephone 772-6161
Military Service	U.S. Army, 1934-1937 Army Serial No. 6255185
Education	Mechanical Engineering Degree, from Sequoia University, Los Angeles, California

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On May 27, 1966, CARL LOVELACE CLEMENT was taken before United States Commissioner RUSSELL R. HERMANN, at which time CLEMENT requested two weeks delay in which time to obtain an attorney. Mr. HERMANN continued the hearing to 10:00 AM June 8, 1966 for CLEMENT to obtain counsel and to set a preliminary hearing if such is desired. Mr. HERMANN set bond at \$1,000.00 and remanded CLEMENT to the custody of the United States Marshal in lieu of bond.

LA 166-507

On May 24, 1966 Fugitive Form letters concerning  
SOLDIS and CLEMENT were submitted.

## FEDERAL BUREAU OF INVESTIGATION

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REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>6/1/66</b>	INVESTIGATIVE PERIOD <b>4/11/66 - 5/24/66</b>
TITLE OF CASE <b>VIRGIL SALATHIEL - FUGITIVE</b>		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 20px;"></div>	TYPED BY <b>llm</b>
<i>Handwritten:</i> 106-1765-49 5.25.66		CHARACTER OF CASE  <b>FBW</b>	
		<i>Handwritten:</i> FR 2/6/66	

REFERENCES:

Los Angeles teletype to Dallas dated 5/20/66.  
 Dallas teletype to Los Angeles dated 5/23/66.  
 Los Angeles letter to the Bureau dated 5/24/66.  
 Dallas teletype to Los Angeles dated 5/31/66 captioned,  ET AL ITWI; FBW."

- P -

ADMINISTRATIVE

This case was opened in connection with case entitled,  ET AL ITAR - GAMBLING; FBW - CONSPIRACY, LA file 166-462, which involved nation wide arrests and publicity.

Case has been pending over one year ☐ Yes ☐ No; Pending prosecution over six months ☐ Yes ☐ No

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE:		166-1765-106	REC 36
(3 - Bureau 1 - USA, Los Angeles 3 - Dallas (166-248)(AM) (1 - USA, Dallas) 1 - Oklahoma City (87-12262)(Info) 2 - Los Angeles (166-534)		JUN 3 1966	
Dissemination Record of Attached Report		Notations	
Agency	CC, AAG, Criminal Division,	<div style="border: 1px solid black; width: 200px; height: 40px; margin: 0 auto;"></div> STAT. SECT.	
Request Recd.	Organized Crime & Racketeering Section		
Date Fwd.	Room 2529		
How Fwd.	333		
By			

LA 166-534

The number of copies being sent to the Bureau are in accordance with requirements of 166 classification rather than ITSP classification.

Information copy being furnished Oklahoma City Division in view of similar investigation concerning subject.

Credit information referred to in details of report concerning SALATHIEL was furnished by Dun and Bradstreet, Dallas, Texas.

LEADS

DALLAS

AT DALLAS, TEXAS: Will follow and report removal hearing for subject.

LOS ANGELES

AT LOS ANGELES, CALIFORNIA: Will present facts of this case to Federal Grand Jury, Los Angeles.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Los Angeles  
1 - USA, Dallas

Report of: [REDACTED]

Date: 6/1/66

Office: Los Angeles, California

b6  
b7c

Field Office File #: 166-534

Bureau File #:

Title: VIRGIL SALATHIEL

Character: FRAUD BY WIRE

Synopsis: AUSA, Los Angeles, on 4/11/66 furnished opinion that use of "blue box" for long distance telephone calls was violation of Fraud by Wire Statutes, and use of "blue box" in interstate calls in furtherance of gambling operations was violation of Federal Gambling Statutes. SALATHIEL, Owner, Teco Wheel Balancers, Inglewood, California, telephone number 674-2555 and 678-8018. Chief Special Agent, Pacific Telephone Company, Los Angeles, provided affidavit on 5/24/66 stating that SALATHIEL made an inordinate number of lengthy calls to Universal Information Number during December, 1965, and automatic monitoring equipment attached to telephone number 674-2555 for period of 1/14/66 to 2/5/66. [REDACTED]

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[REDACTED] AUSA, LOS Angeles, authorized prosecution of SALATHIEL on 5/24/66 charging violation of Title 18, USC, Section 1343, and complaint was filed on 5/24/66 before USC, Los Angeles. Fugitive form letter submitted.

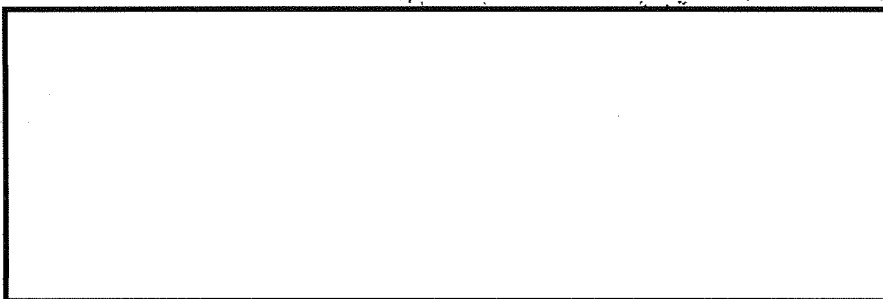
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DETAILS:

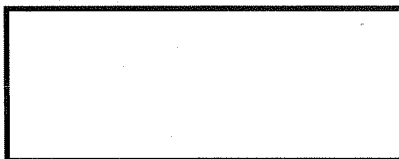
LA 166-534

PREDICATION

On April 11, 1966, a conference was held at the Office of Assistant U.S. Attorney JOHN F. LALLY, Chief, Organized Crime Unit, Los Angeles, California. In attendance were the following individuals from the Pacific Telephone and Telegraph Company, Los Angeles, California:



The following individuals were present from General Telephone Company:



The following individuals were present from the Federal Bureau of Investigation:

ARNOLD C. LARSON  
Assistant Special Agent in Charge



Special Agent



Special Agent

LA 166-534

Representatives of the Pacific Telephone Company advised that telephone companies throughout the United States have been aware of the wide usage of a multi-frequency signal generator called a "blue box" which circumvents billing procedures as well as detection of long-distance telephone calls. These representatives advised that their company's Legal Department has stated that the company has a right to monitor subscribers' telephone lines to determine the existence of any fraud against the company; further, according to the Legal Department, the company has a responsibility to disseminate to the appropriate investigative agency any violation of Federal law which might be evidenced through such monitoring.

Pacific Telephone and Telegraph Company officials advised that the "blue boxes" are and have been used in the greater Los Angeles area.

Assistant U.S. Attorney JOHN F. LALLY stated that it was his opinion that users of the "blue box" were in violation of Fraud by Wire Statutes if the calls were made interstate utilizing the device. In addition, he advised that users of this device could also be prosecuted for violation of Federal Gambling Statutes if the "blue box" was utilized in interstate calls in furtherance of gambling operations.

Assistant U.S. Attorney LALLY advised that if the telephone company, acting on their own initiative and not at the request of the FBI, monitored individuals using this device, any tapes made during the monitoring would be admissible evidence.

[redacted]  
[redacted] present at this conference advised that they were in accord with Assistant U.S. Attorney LALLY's opinion [redacted]

LA 166-534

TECHNICAL DESCRIPTION OF THE  
MULTI-FREQUENCY TONE GENERATOR  
ALSO KNOWN AS THE "BLUE BOX"

The following information concerning the operation of the "blue box" was provided by [REDACTED]

[REDACTED] on May 3, 1966.

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The function of the "blue box" is to simulate pulses used by telephone operators and automatic dialing equipment to make long-distance telephone calls. By using the "blue box" a subscriber is able to make direct distant dial toll calls without activating telephone company billing equipment.

The caller accomplishes this by dialing the area code, a three digit number followed by the number of the universal information operator which is 555-1212. The universal information operator call is a no charge number. At any time after the ringing commences the "blue box" is used to introduce a 2600 cycle per second (cps) tone into the transmitter of the telephone instrument. This is accomplished by pressing appropriate button on the "blue box" and at the same time holding a small speaker attached to the "blue box" near the transmitter of the telephone instrument being used. This drops the information operator from the line, but retains the circuit in the long-distance toll trunk. Then the start button or key pulse button is pressed, introducing a multi-frequency tone of 1100 and 1700 cps into the transmitter, thereafter the area code followed by the telephone number of the party being called in pulsed by using the appropriate buttons in proper sequence. The frequency used to represent the various digits is as follows:

LA 166-534

<u>DIGIT</u>	<u>FREQUENCY IN CPS</u>
1	700-900
2	700-1100
3	900-1100
4	700-1300
5	900-1300
6	1100-1300
7	700-1500
8	900-1500
9	1100-1500
0	1300-1500

Another button on the "blue box" usually marked "stop" is then depressed which introduces a multi-frequency tone of 1500 and 1700 cps into the transmitter. This completes the calling operation and rings the called party's telephone.

There are variations to the method of completing the calls through the utilization of the "blue box," but the general procedure is as described above.

On May 18, 1966, the Dallas Division furnished the following information concerning VIRGIL SALATHIEL:

Dallas telephone number 214-748-7231 (Riverside 8-7231) is listed in the May, 1966, Dallas Telephone Directory for Teco Wheel Balancers located at 1312 Slocum Street, Dallas, Texas. The Dallas Criss Cross of telephone numbers reflects Riverside 8-7231 is also listed for Todd Industries, Inc., 1312 Slocum Street, Dallas, Texas.

Telephone number [redacted] is a telephone number in one of the following State of Missouri cities based upon the area code number 816: Sedalia, St. Joseph, Kansas City, Independence, Booneville, Moberly.

b6  
b7c

LA 166-534

Files of a credit reporting agency in Dallas, Texas, reflect VIRGIL SALATHIEL is president of Todd Industries, that [redacted]

[redacted] of the corporation. Directors of Todd Industries, Inc. were reflected as [redacted]

[redacted] This corporation was chartered in the State of Oklahoma on July 1, 1961.

Teco Wheel Balancing has a branch office at 1005 West Arbor Vita Street, Inglewood, California, and is the manufacturer of wheel balancing devices. The Inglewood plant is [redacted] by [redacted]

SALATHIEL has been engaged in several previous business ventures and has filed petitions for voluntary bankruptcy. On several occasions in Oklahoma, doing business as (1) Jobbers Crankshaft Service, December, 1951; (2) Jobbers Service and Supply, Inc., November, 1958; (3) Silver Streak Manufacturing Company, trading individually as VIRGIL SALATHIEL, May, 1958.

On May 18, 1966, Identification Officer [redacted] Identification Division, Dallas Police Department, and Identification Officer [redacted] Dallas County Sheriff's Office, each stated files of their respective departments contained no arrest record identifiable with VIRGIL SALATHIEL.

The May, 1966, Dallas Telephone Directory reflects VIRGIL SALATHIEL resides at 5055 Walnut Hill Lane, Dallas, telephone number EMerson 8-4397.

The files of a Dallas credit reporting agency reflect SALATHIEL is a white male, born in 1918 in the State of Oklahoma. No photograph of SALATHIEL has been located through usual sources of information.

LA 166-534

On May 24, 1966, [redacted]  
Special Agent, Pacific Telephone Company, Los Angeles,  
California, furnished the following affidavit:

"STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES        } ss.

"I, [redacted] having been duly  
sworn, depose and say:

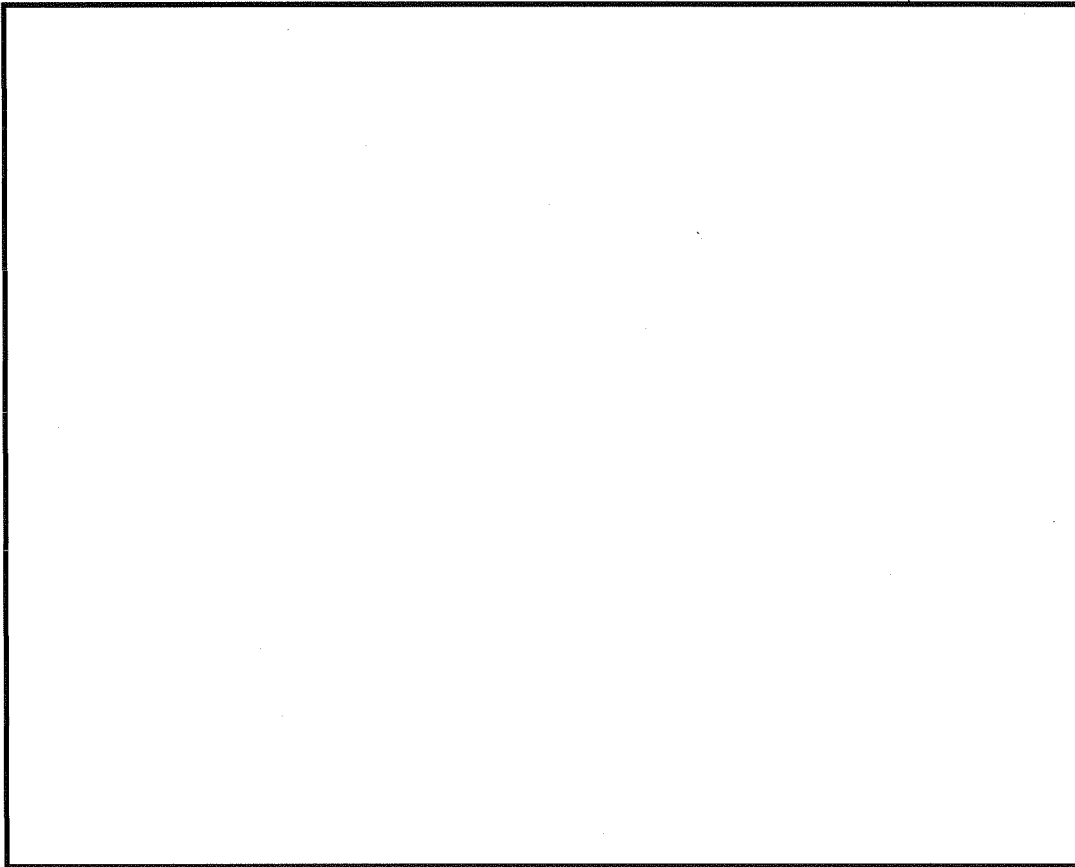
"That [redacted] of the  
Pacific Telephone and Telegraph Company, a  
corporation (hereinafter referred to as "the  
Telephone Company'), with my office located  
at 742 South Hill Street, Los Angeles, Calif-  
ornia;

"That said corporation is a public utility  
engaged in providing communication services;

[redacted]  
[redacted] the manufacture, use and  
sale in the Los Angeles area of an instrument  
and device known as a multi-frequency signal  
generator (hereinafter referred to as 'the  
device'), which is being manufactured, sold and  
used for the purpose of completion of telephone  
calls, especially long distance telephone calls,  
and which enables the Telephone Company's billing  
equipment to be by-passed, and therefore, to  
avoid payment for the service for said calls  
charged by the Telephone Company to its customers  
for using the Telephone Company's facilities.  
The by-passing of the Telephone Company's billing  
equipment occurs when a distant long distance  
information operator is reached and a signal from  
the device is pulsed, disengaging such distant  
operator, and leaves the calling party in control  
of a toll trunk. The volume of calls to the long

LA 166-534

"distance information operator is disproportionate to the volume of toll calls actually billed. An accounting record known as a 555-1212 print of calls to distant information operators is maintained by the Telephone Company of this service which is not billed to the subscriber. The normal holding time for these calls is usually 1 or 2 minutes. A time greatly in excess of this indicates improper usage of facilities by the calling subscriber.



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LA 166-534

"

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"SUBSCRIBED AND SWORN TO  
before me this /s/ 24th day of May, 1966.

"Notary Public in and for said  
County and State

"My commission expires:

"(SEAL)"

The accounting record maintained by the Pacific Telephone Company, Los Angeles, California, known as a 555-1212 print of calls to distant information operators reflects an inordinate number of calls of unusual duration from telephone number 674-2555, which is registered to Teco Wheel Balancers, 1005 West Arbor Vitae, Inglewood, California.

These records reflect that between September 21, 1965, and March 26, 1966, approximately eighteen calls were made from this telephone number to the Universal Information Number for a duration of five to forty-one minutes.

The records of Pacific Telephone Company, Los Angeles, further reflect that telephone number 678-8018 is also registered to Teco Wheel Balancers, 1005 West Arbor Vitae, Inglewood, California.

LA 166-534

These records reflect that between September 19, 1965, and December 9, 1965, approximately eighty-five calls were made from this telephone number to the Universal Information Number for a duration of five to sixty-nine minutes.

LA 166-534

On May 24, 1966, Special Agent [redacted] presented the facts of this case to Assistant U.S. Attorney JOHN F. LALLY, Los Angeles, California, and LALLY authorized prosecution of VIRGIL SALATHIEL, charging that SALATHIEL on or about January 14, 1966, did knowingly employ an electronic device known as a multi-frequency signal generator in making interstate telephone calls to circumvent the normal billing procedures of the Pacific Telephone Company, thus perpetrating a fraud by the use of an interstate wire facility.

Special Agent [redacted] on May 14, 1966, filed a complaint before U.S. Commissioner RUSSELL B. HERMANN, Los Angeles, California, charging VIRGIL SALATHIEL with violation of Title 18, U.S. Code, Section 1343, based on the foregoing affidavit of [redacted]

[redacted] and a warrant was issued.

Fugitive form letter submitted on May 24, 1966.

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[redacted] obtained by subpoena duces tecum and set forth. AUSA, Los Angeles, advised users of electronic device (blue box) are in violation of Title 18, Section 1343, U.S. Code, inasmuch as calls were made interstate. Complaints authorized and filed by U.S. Commissioner, Los Angeles. Warrants obtained for [redacted]. On 5/25/66 subjects [redacted] arrested and remanded to custody of U.S. Marshal. Search incidental to arrest of [redacted] unproductive. [redacted] interviewed and denied knowledge of "blue box". [redacted] Associate of [redacted] interviewed and denied knowledge of "blue box". [redacted] interviewed and admitted manufacturing of "blue box" and distribution of these devices to [redacted]. Complete details obtained from [redacted] concerning transactions. Search conducted of [redacted] residence and blue boxes recovered. On 5/26/66 [redacted] met with AUSA, Los Angeles, in the presence of his attorney and identified photographs of electronic devices found in the possession of KENNETH HANNA, Miami, Florida, as being identical to an instrument which he had made at the request of [redacted]. He stated this was sold by him to [redacted]. On this date, AUSA, Los Angeles, advised that in view of [redacted] cooperation, he would be used as a Government witness in this matter and that a motion of dismissal of the complaint against [redacted] would be made.

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- P -

DETAILS:

[redacted] first came to our attention on October 15, 1964, when he was introduced to [redacted], a [redacted] who at this time was conducting an undercover investigation on Carl L. Clement. [redacted], in company with Carl Clement, met [redacted] at his place of employment on [redacted] and Mr. Clement demonstrated the device several times and made one complete call to a friend's house in Dallas, Texas. [redacted] at this time purchased the device for \$600.00 and Mr. Clement and the [redacted] left the location. (See [redacted] Report under [redacted] dated October 1, 1964, Pages 49 through - 52)

From this time until approximately February 5, 1965, no additional investigation was conducted concerning [redacted]. On February 5, 1965, the line from [redacted] business [redacted] was put up for multifrequency detection. From this date, up until the present time, there have been approximately 50 tapes, wherein multifrequency calls have been detected.

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4/28/66

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WEDNESDAY, OCTOBER 14, 1964

Neither [redacted] nor Mr. Clement called my apartment or Answering Service during the morning hours.

I telephoned Mr. Clement at his shop in Santa Monica to ascertain if he had made an appointment to demonstrate the unit to his friend. Mr. Clement had not heard from his friend and he stated that he would call him and then let me know when and where the appointment was to take place. Mr. Clement returned my call and stated that we could get together tomorrow at 11 a.m. or 2 p.m. However, he would inform me tomorrow morning, the exact time.

Mr. Clement wanted to know if I had talked with [redacted] concerning the units. I told him I had not and that he could wait a day or so just like I had to wait. Mr. Clement suggested that we get together before I talked with [redacted] again. Mr. Clement is of the opinion that [redacted] is getting more money out of the units than he says he is. Mr. Clement said he would like to borrow the unit and take it apart. He first suggested that he borrow my unit to demonstrate it, but I told him I was not going to let it out of my sight. He stated that it would be all right if I went along on the demonstration.

Nothing further was learned today. [redacted] did not call my apartment the remainder of the day.

<sup>15</sup>  
THURSDAY, OCTOBER 15, 1964

Mr. Clement called at 12:10 a.m. and stated he would be at my apartment around 1:30 p.m. We would then meet his friend and demonstrate the unit. Mr. Clement did not reveal his friend's name but had referred to him as [redacted] and he works for the [redacted]. This is the only person that Mr. Clement has mentioned that might be interested in the unit.

Mr. Clement arrived at my apartment at 1:45 p.m. We conversed for a

short time and he made a phone call to his friend to let him know that we were on our way. We departed in my car and drove to the Franklin Enterprises on Olympic Boulevard. This is near Robertson Boulevard. This is an import and export firm. I parked in the rear of this establishment and we entered through the rear entrance. Mr. Clement introduced me to a [REDACTED]. Apparently he is a [REDACTED] of this firm. He is [REDACTED] hair, [REDACTED] and wore a smart blue suit. He gave the impression that he was a smart dresser, good business man and was well abreast of the business world.

Mr. Clement demonstrated the unit and then made one complete call to Dallas, Texas, a branch office of this firm. It could have been the main office but this [REDACTED] attempted to make a call but he did not get through and Mr. Clement tried the call and the line was busy. [REDACTED] a successful call to his friend's house in Dallas of a nearby suburb. [REDACTED] was quite impressed with the unit and immediately stated that he would buy one. He wrote a personal check for \$600, made out to Mr. Clement and drawn on the Crocker-Citizens National Bank, 3034 Wilshire Boulevard, Beverly Hills. [REDACTED] said that someone might wonder about the amount of the check and he wrote "Loan" at the top of the check.

[REDACTED] stated that [REDACTED] had revealed or demonstrated a unit some time ago to him, and he had wanted \$1200 for it. Mr. Clement told [REDACTED] that it would take 4 or 5 days to get his unit. [REDACTED] wanted Mr. Clement to install a longer receiver cord on his unit so he would not have trouble with the short cord getting in the way with the panel buttons. Mr. Clement stated that he would take care of this before he delivered the unit. [REDACTED] said that he was going to mark each panel button with a number to make it easy to operate, and that he would prefer a different type box

The sale did not take long and as soon as we left Mr. Clement wanted to rush to the bank and cash the check, which we did.

On our return to my apartment, Mr. Clement figured out a way to make \$100. He wanted to buy my unit which we demonstrated from me or [redacted] for \$500. He felt that [redacted] would do this because I was returning the old one and getting a new unit. I told him that I would go along with it if I could buy the 2 new units for \$700 each. Both felt that [redacted] would go along with this idea. Mr. Clement stated that we could not mention this to [redacted]. Mr. Clement feels sure that [redacted] is making plenty off each unit and he should give us a [redacted] to buy additional units.

After arriving at my apartment, Mr. Clement called [redacted] and suggested that we get [redacted] and [redacted] the deal. [redacted] wanted us to come up and bring a pack of [redacted].

After arriving at the [redacted] residence, [redacted] was engaged in cutting material for his [redacted]. Apparently he had been working at this most of the day. [redacted] agreed to the terms that we offered. I told him that if he sold [redacted] old unit to Mr. Clement for \$500 that I could only give \$700 each for the 2 new units. He agreed to this. Mr. Clement gave [redacted] \$500 for the old unit and I gave him \$100 for the additional money on the new unit that I had now, and I would give him another \$100 when the second new unit was delivered. Mr. Clement made \$100 on the old unit that I had paid \$500 for. He was quite thrilled over this.

[redacted] stated that he would get the second new unit as soon as he could. I told him that the sooner I got the second one we could all make some money. He appeared to be pleased with how things were working out. Most of the conversation at the residence was about old acquaintances of theirs and people they had contacted about getting employment. Most of their



talk centered around the Texas area. Most of this was about prior business acquaintances. It appears that everyone involved has something going on in Texas, especially in the Dallas area.

Upon leaving, I gave the old unit to Mr. Clement. He stated that he was going to take it apart and copy the circuit design. He was going to keep it a few days before turning it over to [REDACTED]

I returned to my apartment and Mr. Clement departed in his car. He told me to call him tomorrow. I told him I would keep in touch with him. Mr. Clement and [REDACTED] indicated that they had several names for possible customers and they would furnish me with this list shortly.

The Franklin Enterprise is an import and export firm dealing with small items from Japan and other countries. It appears that there is a large mark-up on these items.

FRIDAY, OCTOBER 18, 1964

A portion of the day was spent in my apartment anticipating calls from [REDACTED] and Mr. Clement; however, I received no calls.

The remainder of the day was spent in locating a new apartment in the Hollywood area.

I did not call Mr. Clement or [REDACTED] during the day.

MONDAY, OCTOBER 19, 1964

After moving to my new apartment, I contacted Mr. Clement at his home. Mr. Clement stated that he talked with [REDACTED] yesterday and he had told him I should be getting my new unit Wednesday, October 21. Mr. Clement stated that he had not had time to get out and demonstrate his unit to any prospective customers as yet; however, he thought that he knew a few who might buy a unit.

Mr. Clement stated that he had been checking the job opportunities in the paper for employment.

10-19

I called [redacted] residence later in the afternoon but he was not at home. Another call was placed later and he was at home at that time. He stated that he had not heard anyone about my new unit, but he felt that I would have at some time Wednesday, October 21. [redacted] stated that he had purchased Mr. Clement another old unit on Saturday, October 17. He met a man in a bar across town. Apparently this was the same man and the same place that he had picked up my unit last week. [redacted] did not say that he had given Mr. Clement the old unit yet, but since Mr. Clement had stated that he talked with [redacted] on Saturday, it is quite certain that he has, as [redacted] another old unit. However, Mr. Clement did not say anything about seeing another unit when I talked with him this morning.

COPIED

## FEDERAL BUREAU OF INVESTIGATION

1Date 5/17/66

[redacted] Private Investigator employed by the firm [redacted] advised as follows:

During October, 1964, [redacted] was assigned to work undercover for the purpose of developing information concerning a multi frequency tone generator to circumvent normal billing for telephone toll calls.

In this capacity, he met CARL CLEMENT through a mutual acquaintance [redacted] CLEMENT claimed he knew of plans for such a device and that it would work effectively. CLEMENT procured a multi frequency tone generator which [redacted] learned was built by [redacted] and [redacted] passed through the possession of [redacted] and then to CLEMENT.

On October 15, 1964, CARL CLEMENT sold this device to [redacted] for \$600. The transaction took place at [redacted] engineering firm on [redacted] [redacted] paid CLEMENT with a check for \$600 drawn on the [redacted] account at Crocker-Citizens National Bank, 9354 Wilshire Boulevard, and dated October 15, 1964. [redacted] noted on this check the word "loan". [redacted] asked CLEMENT to have a longer cord put on the tone device and returned the tone device to CLEMENT to have the adjustment made.

CLEMENT went directly to the Crocker-Citizens National Bank at 9354 Wilshire Boulevard and cashed the check.

[redacted] was present when the transaction was made and when CLEMENT cashed the check.

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On 5/9/66 at Los Angeles, California File # Los Angeles 166-505  
by SA [redacted] &  
SA [redacted] /mjg Date dictated 5/12/66

## FEDERAL BUREAU OF INVESTIGATION

Date May 26, 1966

On May 26, 1966 while [redacted]  
was in the offices of Assistant United States Attorney  
JOHN LALLEY and in the presence of his attorney,  
[redacted] who gave  
[redacted] permission to cooperate with the FBI the  
following information was developed:

Colored 8" X 10" photographs of an  
electronic device which had been found in the  
possession of KENNETH HAMMA of 2290 NE 170th Street,  
Miami, Florida were displayed to [redacted] by  
SA [redacted] identified the electronic  
device depicted in the series of photographs as being  
identical to an instrument which he had made at the  
request of and sold to [redacted] stated that  
it was possible to positively identify such an object  
through the type of work which he had performed on  
this instrument.

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On 5/26/66 at Los Angeles, California File # LA 166-513

by SAS [redacted] [redacted] ate dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 24 1966

TELETYPE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI WASH DC

FBI MEMPHIS

6:29PM CST URGENT 5/24/66 CAF  
TO DIRECTOR AND LOS ANGELES  
FROM MEMPHIS (166-329) (1P)

                     AKA, ET AL; ITAR - GAMBLING; ITWP;  
FBW - CONSPIRACY.

REBUTEL TODAY.

PAGE FOUR LINE SIX LISTS BOYD'S BUSINESS ADDRESS AS  
FOUR ONE FIVE DIEDRICH STREET. CORRECT SPELLING IS DEADERICK.  
RUN CORRECT WHEN RELEASE IS MADE AND OFFICE AUTHORIZED TO  
RELEASE.

LA ADVISED SEPARATELY

END

WA... LLD

FBI WASH DC

CLRX

51 JUN 8 1966

CC: MR. GALE & Mr Rosen

REC-40

166-1765-108  
15 JUN 3 1966

at home  
CALLED

By led Time 9-32P

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 24 1966

TELETYPE

N\FBI WASH DC

FBI DALLAS

3:10 PM CST URGENT 5-24-66 NEE

TO DIRECTOR (166-1765) (ATTN. CRIME RECORDS) AND LOS ANGELES (166-462)  
FROM DALLAS (166-241) 2P

[REDACTED] AKA., ET AL. ITWI; FBW- CONSPIRACY. OO: LA  
RE LA TEL TO BUREAU MAY TWENTYTHREE LAST, DALLAS TEL TO BUREAU AND  
LA SAME DATE.

RE VIRGIL H. SALATHIEL.

SALATHIEL RESIDES FIVE ZERO FIVE FIVE WALNUT HILL LANE, DALLAS,  
TEXAS. DUN & BRADSTREET RECORDS DISCLOSE FOLLOWING PERSONAL HISTORY;

SALATHIEL IS PRESIDENT OF TODD ENGINEERING, INC., WHICH FIRM  
ALSO OPERATES UNDER TRADE STYLE OF TECO WHEEL BALANCERS, BOTH LOCATED  
ONE THREE ONE TWO SLOCUM, DALLAS. [REDACTED]

[REDACTED] TODD FIRM, WHICH WAS CHARTERED IN OKLAHOMA ON JULY  
ONE, SIXTYONE, WITH AUTHORIZED CAPITAL OF THREE HUNDRED THOUSAND DOLLARS  
TODD FIRM ENGAGES IN MANUFACTURE OF WHEEL BALANCING DEVICES AND HAS  
BRANCH OPERATION AT ONE ZERO ZERO FIVE WEST ARBOR VITA, INGLEWOOD,  
CALIF., [REDACTED] SALATHIEL IN PAST IN

OKLAHOMA HAS ENGAGED IN SEVERAL BUSINESS VENTURES AND HAS FILED

END PAGE ONE

51 JUN 8 1966

Mr. Tolson  
Mr. DeLoach  
Mr. Mohr  
Mr. Wick  
Mr. Casper  
Mr. Callahan  
Mr. Conrad  
Mr. Felt  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Miss Holmes  
Miss Gandy

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b7c

REC-52

166-1765-111

JUN 3 1966

PAGE TWO

PETITIONS FOR VOLUNTARY BANKRUPTCY. THESE FIRMS INVOLVED THE JOBBERS CRANKSHAFT SERVICE, DECEMBER FIFTYONE; JOBBERS SERVICE AND SUPPLY, INC., NOVEMBER, FIFTYEIGHT; SILVER STREAK MANUFACTURING COMPANY, MAY, FIFTYEIGHT. SALATHIEL HAS REPORTED THAT HE OWNS FIFTYONE PERCENT OF STOCK SHARES IN SAFETY BALANCERS INC., DALLAS, CHARTERED UNDER TEXAS LAWS AUGUST FIFTEEN, NINETEEN SIXTYTHREE, WHICH FIRM WHOLESALES AUTOMATIC WHEEL BALANCERS MANUFACTURED BY OTHERS, SALATHIEL INDICATING HE IS NOT AN OFFICER OR DIRECTOR THIS CORP.

CREDIT BUREAU SERVICES, DALLAS, RECORDS SHOW SALATHIEL BORN APRIL EIGHTEEN, NINETEEN EIGHTEEN, OKLAHOMA, CITY, OKLA., AND IS MARRIED, [REDACTED] HE IS WHITE, MALE, FIVE FEET, ELEVEN INCHES TALL, TWO HUNDRED POUNDS, ROUND FACE, HORN RIMMED GLASSES, BROWN - GREY WAVY HAIR, BUSINESS MAN APPEARANCE. PHOTO NOT AVAILABLE. b6 b7C

FOR INFO BUREAU, SALATHIEL WAS INVOLVED IN OKLAHOMA CITY CASE CAPTIONED THOMAS E. MC CAY, ETAL, FBW, BUFILE EIGHT SEVEN DASH EIGHT SIX SEVEN ONE TWO INVOLVING USE OF BLACK BOX AND SALATHIEL SUSPECTED OF BEING IN POSSESSION OF BLACK BOX, HOWEVER, USA, OKLAHOMA, DID NOT MAKE SALATHIEL A SUBJECT IN DRAWING UP INDICTMENTS.

DALLAS PLANS TO ARREST SALATHIEL APPROXIMATELY EIGHT AM MAY TWENTYFIVE NEXT, CST, AND BUREAU AND LA WILL BE ADVISED WHEN ACCOMPLISHED.

LA TO BE ADVISED.

WA.

FBI WASH DC

CLR. X

CC - Messrs. Glavin + Rosen

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>MEMPHIS</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>6/2/66</b>	INVESTIGATIVE PERIOD <b>5/25/66</b>
TITLE OF CASE <b>[REDACTED] aka [REDACTED]</b>		REPORT MADE BY <b>SA [REDACTED]</b>	TYPED BY <b>JAP</b>
<b>FUGITIVE; ET AL</b> <i>Thomas Milton Boyd</i> <b>FUGITIVE</b>		<b>CHARACTER OF CASE</b> <b>ITAR - GAMBLING;</b> <b>ITWI; FEW - CONSPIRACY</b> <i>6-14</i>	

REFERENCES:

Los Angeles teletype to Bureau dated 5/23/66.  
 Los Angeles teletype to Bureau dated 5/24/66.  
 Memphis teletype to Los Angeles dated 5/25/66. (IO)  
 Memphis teletype to Los Angeles dated 5/26/66. (IO)

- P -

LEADS:LOS ANGELES DIVISION

AT LOS ANGELES, CALIFORNIA Will advise the U. S. Attorney of preliminary hearing scheduled 6/2/66 at 11:00 A. M., Nashville, Tenn., for subject BOYD, and will determine identity of witnesses necessary for hearing.

Will request U. S. Attorney to advise witnesses to appear for hearing as scheduled at Nashville on 6/2/66.

Case has been: Pending over one year ☐ Yes ☒ No; Pending prosecution over six months ☐ Yes ☒ No

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE:		<b>166-1765-113</b> <b>2 JUN 6 1966</b> <b>REC-52</b>	
③ - Bureau (166-1765) 1 - USA, Nashville, Tenn. 3 - Los Angeles (166-462) (1 - USA, Los Angeles) 2 - Memphis (166-329)		Notations 0-176-NE 6/15/66. PAK	
Dissemination Record of Attached Report			
Agency	Request Recd.	Date Fwd.	How Fwd.
2	Organized Crime	Room 2524	
LCC, AAG Criminal Division, Antiterroring Section			
STAT. SECT.			

56 JUN 30 1966



ME 166-329

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MEMPHIS DIVISION

AT NASHVILLE, TENNESSEE Will follow and report results of prosecutive action with reference to subject THOMAS MILTON BOYD.

ADMINISTRATIVE:

One copy of this report is being designated for the USA, Nashville, Tenn., in view of the preliminary hearing which is scheduled at Nashville on 6/2/66, in order that the USA, Nashville, will have information available for assistance at the scheduled hearing.

On 5/25/66, subject THOMAS MILTON BOYD was finger-printed and photographed by SA [REDACTED], at Nashville, Tennessee.

COVER PAGE  
B\*

**UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION**

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b7C

Copy to: 1 - U. S. Attorney, Nashville, Tennessee  
1 - U. S. Attorney, Los Angeles, California

Report of:

SA [REDACTED]

Office: **MEMPHIS**

Date:

June 2, 1966

Field Office File #: **Memphis 166-329**Bureau File #: **166-1765**

Title:

[REDACTED]  
**HENRY E. LOMAN;**[REDACTED]  
**HERBERT KAUFMAN;**~~Character:~~[REDACTED]  
**EUGENE ANTHONY NOLAN;**  
**THOMAS MILTON BOYD;**~~Synopsis:~~[REDACTED]  
**JOSEPH SOLDIS;**  
**CARL LOVELACE CLEMENT;**  
**GRAY HOFFMAN;**  
**VIRGIL SALATHIEL;**  
[REDACTED]

**Character:** **INTERSTATE TRANSPORTATION IN AID OF RACKETEERING - GAMBLING;**  
**INTERSTATE TRANSPORTATION OF WAGERING INFORMATION**  
**FRAUD BY WIRE - CONSPIRACY**

**Synopsis:** Subject **THOMAS MILTON BOYD** apprehended by Bureau Agents, Nashville, Tenn., 5/25/66, based on complaint filed before USC **RUSSELL R. HERMANN**, Los Angeles, California, 5/24/66, charging **BOYD** with violation of Section 1084, Title 18, U. S. Code. **BOYD** declined to make statement. Appeared before USC **A. B. NEIL, JR.**, Nashville, Tenn., 5/25/66, and released on personally signed bond of \$500.00. **BOYD** requested preliminary hearing before USC which is scheduled for 6/2/66 at Nashville, Tennessee.

- P -

ME 166-329

DETAILS:

By communication dated May 24, 1966, the Los Angeles Office advised that an authorized complaint was filed on May 24, 1966, before U. S. Commissioner RUSSELL R. HERMANN, Los Angeles, California, charging THOMAS MILTON BOYD of Nashville, Tennessee, with violation of Section 1084, Title 18, U. S. Code, in that on or about December 23, 1965, BOYD did receive a telephone call from [redacted] at [redacted] in which bets and wagers and betting and wagering information was obtained.

The Los Angeles Office further advised that a warrant was issued on May 24, 1966, for THOMAS MILTON BOYD.

Bond was recommended in the amount of \$5,000.00, returnable Los Angeles.

The complaint against BOYD was filed by Special Agent [redacted]

## FEDERAL BUREAU OF INVESTIGATION

1Date 6/2/66b6  
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THOMAS MILTON BOYD, residence address 212 Rolling Fork Court, Nashville, Tennessee, was arrested by Special Agents [redacted], and [redacted] at 415 Beaderick Street, Nashville, Tennessee, location of the Uptown Recreation Center managed by BOYD.

The identity of the arresting Agents was made known to BOYD and he was advised of the fact that a warrant had been issued for his arrest in Los Angeles, California, charging him with violation of Section 1084, Title 18, U. S. Code.

BOYD was immediately advised of the fact that he did not have to make a statement, that he was entitled to consult with an attorney or anyone else of his choice prior to making a statement, and that any statement he did make could be used in a court of law against him.

Located on BOYD's person at the time of his arrest were the following items: pocket comb, handkerchief, keys to automobile, billfold containing \$70.00 in cash, consisting of two (2) twenty dollar bills and three (3) ten dollar bills; a check in the amount of \$106.63, payable to TOM BOYD, drawn on the Commerce Union Bank, Nashville, Tennessee, dated April 22, 1966, issued by "Insurance Adjuster" for repairs to 1966 Pontiac; Social Security card number 410-28-3804; Tennessee driver's license number 1109886; U. S. Special Tax Stamp number 538, registration number 62-267-P, return number 4-9-47032, issued for period beginning September 17, 1965, and expiring June 30, 1966, and listing the name of THOMAS M. BOYD, Route 2, Old Lebanon Dirt Road, Mt. Juliet, Tennessee.

In addition, BOYD had in his possession thirty cents in change, consisting of one quarter and one nickel.

On 5/25/66 at Nashville, Tennessee File # Memphis 166-329  
by SA [redacted], and  
SA [redacted] :jap 3 Date dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

## FEDERAL BUREAU OF INVESTIGATION

1Date 6/2/66

A search incidental to the arrest of THOMAS MILTON BOYD was made of the office at the Uptown Recreation Center, 415 Deaderick Street, Nashville, Tennessee.

A search of the desk, the only furniture in the room with the exception of two chairs, failed to disclose any evidence of gambling activity on the part of BOYD, and no telephone numbers or other notations were located indicating gambling activity.

Located in the center drawer of the desk was a snub nose Smith and Wesson revolver, Serial number 39530, which was fully loaded.

This gun was seized and is being retained in the files of the Memphis Office.

In addition to the desk and two chairs, the office contained a television set and a radio, however, no gambling paraphernalia was located in the office.

On 5/25/66 at Nashville, Tennessee File # Memphis 166-329

by SA [redacted], and  
SA [redacted] jap 4 Date dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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b7C

## FEDERAL BUREAU OF INVESTIGATION

b6  
b7c1Date 6/2/66

On May 25, 1966, THOMAS MILTON BOYD was transported from the Uptown Recreation Center, 415 Deaderick Street, Nashville, Tennessee, to the Nashville Resident Agency, U. S. Courthouse, by Special Agents [redacted] and [redacted]

Upon leaving the Uptown Recreation Center, BOYD pointed out a 1966 yellow Pontiac Grand Prix, bearing Tennessee license AE-0006, parked at the curb and stated this was his personally owned automobile.

On 5/25/66 at Nashville, Tennessee File # Memphis 166-329

by SA [redacted]  
SA [redacted] and 5  
SA [redacted] :jap Date dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

## FEDERAL BUREAU OF INVESTIGATION

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1

Date 6/2/66

THOMAS MILTON BOYD was interviewed in the office of the Nashville Resident Agency, U. S. Courthouse, Nashville, Tennessee, at which time he was again advised by Special Agent [redacted] of the fact that he did not have to make a statement and that he was entitled to consult with an attorney or anyone else of his choice prior to making a statement. BOYD was also advised of the fact that any statement he did make could be used in a court of law against him, and that if he were unable to employ a lawyer, the court would appoint one to represent him.

BOYD stated that he knew his rights under the law, and that he did not desire to make any statement whatsoever concerning the charge presently pending against him. He volunteered information to the effect that he had formerly accepted bets on sporting events but had ceased this operation since the end of the basketball season, and had notified the Internal Revenue Service at Nashville, Tennessee, that he was no longer engaged in wagering activity and was no longer filing monthly forms with the Internal Revenue Service.

BOYD advised further that the gun located in his desk at the Uptown Recreation Center had been taken in "pawn" from an unrecalled individual, and had been in his possession for several years.

The following is a description of BOYD as obtained through observation and interrogation:

Name:	THOMAS MILTON BOYD
Address:	212 Rolling Fork Court, Nashville, Tennessee
Race:	White
Sex:	Male
Date of Birth:	February 14, 1930
Place of Birth:	Nashville, Tennessee
Height:	6 feet
Weight:	210 pounds

On 5/25/66 at Nashville, Tennessee File # Memphis 166-329

SA [redacted], and

by SA [redacted] :jap 6 Date dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ME 166-329

2

Build:	Heavy
Eyes:	Blue
Hair:	Dark Brown, slightly wavy
Complexion:	Medium
Military Service:	Served in U. S. Air Force April, 1951, to latter part of 1952, USAF SN 25336235
Occupation:	Manager, Uptown Recreation Center, 415 Deaderick Street, Nashville, Tennessee

Relatives:

b6  
b7c

Social Security

Number:

410-28-3804

Prior Arrest

Record:

Admits several arrests in  
Nashville on charges of  
vagrancy and disorderly  
conduct



BOYD was taken before U. S. Commissioner A. B. NEIL, JR., U. S. Courthouse, Nashville, Tennessee by Special Agents [redacted], and [redacted] [redacted], on May 25, 1966, at which time he was released on a personally signed bond of \$500.00.

BOYD was fingerprinted by U. S. Deputy Marshal [redacted] U. S. Courthouse, Nashville, Tennessee, on May 25, 1966.

U. S. Commissioner A. B. NEIL, JR., advised later on May 25, 1966, that he had been contacted by BOYD's attorney, [redacted] and that [redacted] had requested a preliminary hearing for BOYD to be scheduled as soon as possible. Mr. NEIL advised that [redacted] is [redacted] in Nashville, and therefore he would request such hearing be held by U. S. Commissioner JAMES CUNNINGHAM of Clarksville, Tennessee, and he further stated that he would schedule the hearing for June 2, 1966, at 11:00 A. M., in the U. S. Courthouse in Nashville, Tennessee.

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 4

Page 30 ~ b6, b7C

Page 31 ~ b6, b7C

Page 32 ~ b6, b7C

Page 33 ~ b6, b7C

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X for this Page X  
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FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 25 1966

TELETYPE

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

b6  
b7c

FBI LOS ANG.

11-04 PM URGENT 5-24-66 KH

TO DIRECTOR 166-1765 ATT: SPECIAL INVESTIGATIVE DIVISION

9 ATLANTA 10 BALTIMORE 9 CHARLOTTE 8 DALLAS HOUSTON  
8 MEMPHIS 9 MIAMI 10 NEWARK 10 NEW YORK 8 NEW ORLEANS

FROM 7 LOS ANGELES 166-462

CHANGED, [REDACTED] AKA - FUGITIVE; HENRY

E. LOMAN - FUGITIVE; [REDACTED] - FUGITIVE; HERBERT KAUFMAN -

FUGITIVE; [REDACTED] AKA - FUGITIVE;

EUGENE ANTHONY NOLAN - FUGITIVE; THOMAS MILTON BOYD -

FUGITIVE; [REDACTED] - FUGITIVE; [REDACTED]

FUGITIVE. ITWI; FBW - CONSPIRACY.

[REDACTED] - FUGITIVE; [REDACTED]

[REDACTED] AKA - FUGITIVE; [REDACTED]

FUGITIVE; [REDACTED] - FUGITIVE. ITWI; FBW.

[REDACTED] - FUGITIVE; [REDACTED]

FUGITIVE. FBW.

END PAGE ONE

165-424  
CORRECT COPY FILED IN

CT-47  
AKA - 166-1765-114

15 JUN 3 1966

59 JUN 9 1966  
114

9-107  
[REDACTED]

PAGE TWO

[REDACTED] - FUGITIVE, FBW.

JOSEPH SOLDIS - FUGITIVE; CARL LOVELACE CLEMENT -

FUGITIVE. FBW.

GRAY HOFFMAN - FUGITIVE. FBW.

VIRGIL SALATHIEL - FUGITIVE. FBW.

[REDACTED] AKA [REDACTED] FUGITIVE. FBW.

OO: LOS ANGELES

TITLE CHANGED TO REFLECT NAMES OF ALL SUBJECTS AGAINST  
WHOM PROCESS OBTAINED.

RE LOS ANGELES TEL MAY TWENTY THREE LAST.

AUTHORIZED COMPLAINTS FILED AND WARRANTS ISSUED  
MAY TWENTY FOUR INSTANT ON ALL SUBJECTS BEFORE USC RUSSELL  
R. HERMANN, LOS ANGELES, CHARGING ITWI; FBW; AND AIDING  
AND ABETTING FBW AS INDICATED.

RECOMMENDED BOND ALL RETURNABLE LOS ANGELES  
FIVE THOUSAND DOLLARS.

COMPLAINTS FILED BY SA [REDACTED] FOR [REDACTED]

[REDACTED] CHARGING ITWI; EUGENE ANTHONY NOLAN, ITWI;

[REDACTED] AIDING AND ABETTING FBW; [REDACTED]

[REDACTED] ITWI; [REDACTED] ITWI AND FBW AND

[REDACTED] ITWI.

END PAGE TWO

PAGE THREE

b6  
b7c

COMPLAINTS FILED BY SA [REDACTED] FOR  
HERBERT KAUFMAN, ITWI; [REDACTED] ITWI; GRAY  
HOFFMAN, FBW; CARL CLEMENT, FBW; JOE SOLDIS, FBW; [REDACTED]  
[REDACTED] FBW; [REDACTED] FBW; [REDACTED] AIDING  
AND ABETTING FBW; VIRGIL SALATHIEL, FBW; [REDACTED]  
AIDING AND ABETTING FBW AND [REDACTED] TRUE NAME [REDACTED]  
[REDACTED] FBW.

COMPLAINTS FILED BY SA [REDACTED] FOR  
[REDACTED] ITWI AND FBW; HENRY E. LOMAN, ITWI; THOMAS  
MILTON BOYD, ITWI AND [REDACTED] ITWI.

ALL OFFICES ARREST IN ACCORDANCE WITH  
PLAN FOR ARREST AT SEVEN AM PACIFIC DAYLIGHT SAVINGS TIME  
ON MAY TWENTY FIVE NEXT. ALL OFFICES REMINDED THAT  
PRESS RELEASE BEING MADE BY BUREAU AND ARE INSTRUCTED TO  
TELEPHONICALLY CONTACT BUREAU WHEN ARREST MADE.

FOR INFO NEW YORK IF [REDACTED] LOCATED YOUR  
TERRITORY APPREHEND AND CALL BUREAU FOR LANGUAGE PRESS  
RELEASE AND AUTHORITY TO RELEASE.

HOUSTON HANDLE ARREST OF NOLAN AS SET FORTH IN  
INSTRUCTIONS BY NEW ORLEANS.

END PAGE THREE

PAGE FOUR

SEARCH WARRANTS OBTAINED AT LOS ANGELES FOR  
SEARCH OF J. K. SPORTS SERVICE FOR GAMBLING PARAPHERNALIA  
AND BLUE BOX; FOR RESIDENCE OF  FOR BLUE BOX AND  
FOR RESIDENCE OF GRAY HOFFMAN FOR BLUE BOX.

b6  
b7C

WARRANTS WILL BE EXECUTED AT TIME OF ARREST.

OTHERS ADVISED

END

WA...ARK

FBI WASH DC

BA...TEC

FBI BALTO

CE...JLM

FBI CHARLT

MXXXNK...EJJ

FBI NEWARK

NY...JAA

FBI NEW YORK

TU CLR

*cc. Mr. [unclear] & Mr. [unclear]*

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>DALLAS</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>6/1/66</b>	INVESTIGATIVE PERIOD <b>5/23 - 25/66</b>
TITLE OF CASE <b>[REDACTED]</b>		REPORT MADE BY <b>[REDACTED]</b>	TYPED BY <b>jp</b> b6 b7C
CHARACTER OF CASE <b>FUGITIVE; VIRGIL HAL SALATHIEL - FUGITIVE; ET AL - FUGITIVES</b>		<b>ITAR - GAMBLING; ITWP; FBW - CONSPIRACY</b>	

Title is marked changed to include the full name of subject SALATHIEL.

REFERENCES: Bureau teletypes to Dallas dated 5/24/66 and 5/25/66. Los Angeles teletypes to Bureau dated 5/23/66 and 5/24/66. Dallas teletypes to Bureau and Los Angeles dated 5/23/66, 5/24/66, and 5/25/66.

- P -

## LEADS:

DALLASAT DALLAS, TEXAS

Will follow and furnish the Bureau and the Los Angeles Division the results of the prosecutive action taken against VIRGIL SALATHIEL in the NDT, Dallas, Texas.

A\*

## COVER PAGE

Case has been: Pending over one year ☐ Yes ☒ No; Pending prosecution over six months ☐ Yes ☒ No

APPROVED <b>[Signature]</b>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: ③ - Bureau (166-1765) 3 - Los Angeles (166-462) (1 - USA, Los Angeles) 3 - Dallas (2 - 166-241) (1 - 166-248)		<b>166-1765-115</b> <b>16 JUN 6 1966</b> <b>REC-49</b> <b>EX 103</b>	
Dissemination Record of Attached Report		Notations	
Agency	Request Recd.	Date Fwd.	
How Fwd.	By	57 SEP 8 1966	

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Los Angeles, California

Report of: [REDACTED]

Office: Dallas

Date: 6/1/66

Field Office File #: 166-241

Bureau File #: 166-1765

Title: [REDACTED]

VIRGIL HAL SALATHIEL;  
ET AL

Character:

INTERSTATE TRANSPORTATION IN AID OF RACKETEERING -  
GAMBLING; INTERSTATE TRANSPORTATION OF WAGERING  
PARAPHERNALIA; FRAUD BY WIRE - CONSPIRACY

Synopsis:

VIRGIL HAL SALATHIEL, white male, born 5/28/18, Oklahoma City, Oklahoma, arrested by Bureau Agents at his residence, 5055 Walnut Hill Lane, Dallas, Texas, on 5/25/66. SALATHIEL denied the charges filed against him after admitting identity. SALATHIEL taken immediately to Dallas County Jail. SALATHIEL arraigned before USC, Dallas, 5/25/66, and attorneys requested full hearing. USC set hearing date 6/3/66 and released SALATHIEL on \$1,500 cash temporary bond.

- P -

DETAILS:

The following investigation was predicated when the Los Angeles Office of the Federal Bureau of Investigation advised that a complaint was filed against VIRGIL SALATHIEL by SA [REDACTED] before U. S. Commissioner RUSSELL HERMAN, Southern District of California, Los Angeles, California, charging SALATHIEL with violation of Title 18, Section 1343 (FBW), in that SALATHIEL did knowingly employ an electronic device known as a multi-frequency signal generator in making interstate telephone calls to circumvent the normal billing procedures of the Pacific Telephone and Telegraph Company, thus perpetrating a fraud by the use of an interstate wire facility.



## FEDERAL BUREAU OF INVESTIGATION

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1

Date 5/31/66

On May 24, 1966, SAs [ ] and [ ] made a physical observation of the residence of VIRGIL SALATHIEL, which is located at 5055 Walnut Hill Lane, Dallas, Texas.

At 7:50 AM it was noted that two automobiles, a 1965 white Ford Mustang, bearing 1966 Texas License Plates KYG 229; and a 1965 black over brown Cadillac, bearing 1966 Texas License Plates KPH 148, were parked at his residence.

It was ascertained from the License Bureau Division, Dallas County Clerk's Office, that 1966 Texas License Plate Number KYG 229 is listed to VIRGIL HAL SALATHIEL, 5055 Walnut Hill Lane, Dallas, Texas. The 1966 Texas License Plate Number KPH 148 is listed to a 1965 Cadillac owned by the P. K. Leasing Company, 5523 Dyer Street, Dallas, Texas.

At 8:13 AM, a white male, later identified as VIRGIL HAL SALATHIEL, was observed to enter the Cadillac bearing 1966 Texas License KPH 148 and proceed west on Walnut Hill Lane after exiting the driveway at his residence.

2

On 5/24/66 at Dallas, Texas File # DL 166-241  
by SAs [ ] /jp one dictated 5/25/66

## FEDERAL BUREAU OF INVESTIGATION

b6  
b7c

1

Date 5/31/66

On May 25, 1966, at 7:55 AM, VIRGIL HAL SALATHIEL was arrested by SAs [ ] and [ ] at his residence, 5055 Walnut Hill Lane.

SA [ ] advised SALATHIEL of the charges filed against him in Los Angeles, California.

He was immediately advised by SA [ ] that he did not have to make a statement, that any statement he did make could be used against him in a court of law; that he had the right to consult an attorney prior to making a statement; and that in the event he could not afford an attorney, the government would appoint him an attorney to represent him. He was also advised that no threats, promises or rewards would be offered him to make a statement. SALATHIEL stated he did not understand why charges were filed against him as he has never attempted to defraud any telephone company in any manner.

SALATHIEL finished dressing and stated that he did not want to make any further statement until consulting with his attorney.

At 8:08 AM, SALATHIEL contacted his attorney, WAYNE MELTON, by telephone from his residence and informed him of the charges filed against him in Los Angeles, California. SALATHIEL made no further comments concerning his arrest after conversing with his attorney.

A search of the bedroom and bathroom was made by SAs [ ] and [ ] at the time of SALATHIEL's arrest. No material of an evidentiary value relating to the charges filed against SALATHIEL was found. It is noted that SALATHIEL was arrested in the bedroom of his residence.

The following physical description of VIRGIL HAL SALATHIEL was obtained through interview and observation:

Race  
Sex

White  
Male

3

On 5/25/66 at Dallas, Texas File # DL 166-241

by SAs [ ] /jp Date dictated 5/25/66

DL 166-241

2

Address	5055 Walnut Hill Lane, Dallas, Texas
Date of Birth	April 28, 1918
Place of Birth	Oklahoma City, Oklahoma
Height	5' 9½"
Weight	198 pounds
Build	Heavy
Eyes	Brown
Hair	Gray
Complexion	Ruddy
Characteristics	Wears hornrimmed glasses; has round face
Education	High school, Oklahoma City, Oklahoma
Military Service	U. S. Air Force, 1943 - 1945, Honorable Discharge
Employment	President, Teco Wheel Balancing Company, Dallas, Texas; and Los Angeles, California

b6  
b7C

b6  
b7C

DL 166-241

SAs [redacted] and [redacted] were at the residence of SALATHIEL at the time of his arrest but did not enter the house or participate in the interview.

On May 25, 1966, VIRGIL HAL SALATHIEL appeared before U. S. Commissioner WILLIAM MADDEN HILL, Northern District of Texas, Dallas, and was represented by Dallas attorneys [redacted]. The attorneys requested a full hearing concerning the charges against SALATHIEL. MR. HILL set the hearing date for June 3, 1966, and set a \$1,500 cash temporary bond on SALATHIEL. The attorneys posted the bond and SALATHIEL was released.

## MEMORANDUM FOR IDENTIFICATION DIVISION

P JUN 3 1966

Bufile <u>166-1765</u>		Name of Subject <u>Eugene Anthony Nolan</u>		Date <u>6-2-66</u>
FBI # <u>301 322 E</u>	Serial #	Other Identifying #	Fugitive Index # <u>114 957</u>	Subject Located <u>✓</u>
Prosecution dismissed				
Reason and/or by whom:				
City <u>New Orleans, LA</u> <u>Surrendered to U.S.C.</u>				
Date <u>5-25-66</u>				
Action to be taken				
Cancel fugitive stops for Index		Cancel want in LEB		
<input checked="" type="checkbox"/> Gen'l Fug	<input type="checkbox"/> Add additional aliases			
<input type="checkbox"/> SS	I. O. # _____			
<input type="checkbox"/> Deserter	Date of Fug Card <u>6-1-66</u>			
Ident Memo Received	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
<input type="checkbox"/> Description				
<u>per NO teletype 5-25-66</u>				
<u>166-1765</u>				
Remarks				
NOT RECORDED 2 JUN 9 1966				
51 JUN 5 1966				

## MEMORANDUM FOR IDENTIFICATION DIVISION

P JUN 6 1966

Bufile <u>166-1765</u>		Name of Subject <u>Thomas Milton Boyd</u>		Date <u>6-3-66</u>
FBI #	Serial #	Other Identifying #	Fugitive Index # <u>114952</u>	Subject Located <u>✓</u>

Prosecution dismissed

City Dashville, Tenn. Reason and/or by whom: Brigade

Date 5-25-66

Action to be taken

Cancel fugitive stops for Index

☒ Gen'l Fug

☐ SS

☐ Deserter

Ident Memo Received ☐ Yes ☒ No

☐ Description

Cancel want in LEB

Add additional aliases

I. O. #

Date of Fug Card

*Wanted posted 6-4-66*

*Cancel 6-4-66*

*Post & Cancel 6-4-66*

*2724 639-654*

per Memphis tel 5-25-66

Sub

166-1765

NOT RECORDED  
JUN 9 1966

63

JUN 9 1966

*[Signature]*

## MEMORANDUM FOR IDENTIFICATION DIVISION

P JUN 3 1966

Buffile <u>166-1765</u>	Name of Subject <u>Vergil Salathiel</u>	Date <u>6-2-66</u>
FBI #	Serial #	Fugitive Index # <u>114935</u>
	Other Identifying #	Subject Located

## Prosecution dismissed

City Dallas, Texas Reason and/or by whom: ?

Date 5-25-66

## Action to be taken

Cancel fugitive stops for Index

☒ Gen'l Fug☐ SS☐ Deserter☐ Cancel want in LEB☐ Add additional aliases

I. O. # \_\_\_\_\_

Date of Fug Card 5-31-66Ident Memo Received ☐ Yes ☒ No☐ Descriptionper DL teletype 5-25-66Sal

NOT RECORDED

19 JUN 21 1966

5 JUN 22 1966

## MEMORANDUM FOR IDENTIFICATION DIVISION

P JUN 3 1966

Bufile <u>166-1765</u>		Name of Subject <u>Carl Lovelace Clement</u>		Date <u>10-2-66</u>
FBI # <u>      </u>	Serial # <u>      </u>	Other Identifying # <u>USA 6255185</u>	Fugitive Index # <u>114955</u>	
Subject Located <u>      </u>		Reason and/or by whom: <u>Burglary</u>		
Action to be taken				
Cancel fugitive stops for Index		Cancel want in LEB		
<input checked="" type="checkbox"/> Gen'l Fug		<input type="checkbox"/> Add additional aliases		
<input type="checkbox"/> SS		I. O. # <u>      </u>		
<input type="checkbox"/> Deserter		Date of Fug Card <u>4-1-66</u>		
Ident Memo Received		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<input type="checkbox"/> Description		<u>per A tel 5-25-66</u>		
Remarks <u>166-1765</u>				
NOT RECORDED 19 JUN 22 1966				
56 JUN 23 1966				



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
UNIT FOR IDENTIFICATION DIVISION

P JUN 3 1966

Bu file <u>166-1765</u>		Name of Subject <u>Gray Hoffman</u>	Date <u>6-2-66</u>
FBI # <u>        </u>	Serial # <u>        </u>	Other Identifying # <u>        </u>	Fugitive Index # <u>114940</u>
Prosecution dismissed			Subject Located <u>✓</u>
Reason and/or by whom:			
City <u>Los Angeles, Calif</u>		<u>Burglary</u>	
Date <u>5-25-66</u>			
Action to be taken			
Cancel fugitive stops for Index		Cancel want in LEB	
<input checked="" type="checkbox"/> Gen'l Fug		<input type="checkbox"/> Add additional aliases	
<input type="checkbox"/> SS		I. O. # <u>        </u>	
<input type="checkbox"/> Deserter		Date of Fug Card <u>6-1-66</u>	
Ident Memo Received <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<input type="checkbox"/> Description			
<u>per LA tel 5-25-66</u>			
<u>166-1765-</u>			
NOT RECORDED			
Remarks <u>16 JUN 29 1966</u>			
<u>41</u>			
<u>51 JUN 30 1966</u>			

166-1765-  
 114940  
 6-1-66  
 368

May 11 1966  
 12:00 PM  
 6-2-66  
 368

## MEMORANDUM FOR IDENTIFICATION DIVISION

P JUN 3 1966

Bufile <u>166-1765</u>		Name of Subject <u>Herbert Benjamin</u>		Date <u>6-2-66</u>
FBI # <u>817730 C</u>	Serial #	Other Identifying #	Fugitive Index # <u>114941</u>	
Prosecution dismissed			Subject Located <input checked="" type="checkbox"/>	
City <u>Baltimore, Md.</u>		Reason and/or by whom: <u>Burglary</u>		
Date <u>5-25-66</u>				
Action to be taken				
Cancel fugitive stops for Index		Cancel want in LEB		
<input checked="" type="checkbox"/> Gen'l Fug	<input type="checkbox"/> Add additional aliases			
<input type="checkbox"/> SS	I. O. # _____			
<input type="checkbox"/> Deserter	Date of Fug Card <u>6-1-66</u>			
Ident Memo Received	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
<input type="checkbox"/> Description				
<u>per BA teletype 5-25-66</u>				
<u>and</u>				
<u>6/1/66</u>				
<u>166-1765</u>				
NOT RECORDED				
19 JUN 21 1966				
54 JUN 22 1966				

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>NEWARK</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>5/2/66</b>	INVESTIGATIVE PERIOD <b>4/22 - 5/23/66</b>
TITLE [REDACTED] aka - <i>cust 5/2</i>		TYPED BY <b>lab</b>	
FUGITIVE [REDACTED] aka - FUGITIVE; ET AL		CHARACTER OF CASE ITWI; FBW - CONSPIRACY <b>6-14</b>	

REFERENCES: Los Angeles teletypes, 5/23/66 and 5/24/66.

-P-

ADMINISTRATIVE:

At the time of the fingerprinting of [REDACTED] major case prints were obtained. These will be forwarded by separate communication to the Identification Division for comparison with latents developed on evidence seized during the execution of a search warrant on 1/3/66, at 7 Henry St., Jersey City, in connection with the case entitled, "KENNETH HERBERT HANNA, aka, ET AL; ITAR; ITWI; FBW", (OC:Miami) Bufile 165-1990.

A search conducted incidental to arrest was negative.

LEAD:

NEWARK

Case has been: Pending over one year ☐ Yes ☐ No; Pending prosecution over six months ☐ Yes ☐ No

APPROVED

SPECIAL AGENT  
IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

- 3-Bureau (166-1765)
- 1-USA, Newark
- 3-Los Angeles (166-462)
- (1-USA, Los Angeles)
- 1-Miami (Info)
- 2-Newark (166-553)

166-1765-	116	MCT-18
		REC-49
JUN 6 1966		EX-109

Dissemination Record of Attached Report

Notations

Agency	CC, AAF Criminal Division,
Request Recd.	Organized Crime & Racketeering Section
Date Fwd.	Room 2537
How Fwd.	
By	51 AUG 7 1966

FUG. SUP.  
STAT. SECT.,

NK 166-553

action. At Newark, N.J. Will follow and report prosecutive

INFORMATION: MIAMI

One copy of this report being sent to Miami because  
of their interest in  in the HANNA case.

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b7C

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

JUN 2 1966

TELETYPE

REC'D  
ADM INTELL DIV

JUN 3 6 04 A

Mr. Tolson  
Mr. DeLoach  
Mr. Mohr  
Mr. Wick  
Mr. Casper  
Mr. Callahan  
Mr. Conrad  
Mr. Felt  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Miss Holmes  
Miss Gandy

FBI LOS ANG.

8\01 PM PDST URGENT 6/2/66 VLB

TO DIRECTOR \166-1765\, ATLANTA \166-182\, BALTIMORE \166-447\,  
CHARLOTTE \162-185\, DALLAS, MEMPHIS \166-329\, MIAMI  
\166-359\, NEWARK \166-553\, NEW ORLEANS \168-87\ AND  
NEW YORK

/NEW YORK VIA WASH DC/

FROM LOS ANGELES \166-462\ 2 PAGES/

[REDACTED] AKA - FUGITIVE. ET AL. ITWI. FBW -  
CONSPIRACY. OO\ LOS ANGELES.

RE LOS ANGELES TEL TO BUREAU MAY TWENTY-FIVE LAST.

FOR INFO BUREAU AND ALL OFFICES FACTS THIS MATTER PRESENTED  
FGJ, LOS ANGELES THIS DATE AND THE FOLLOWING INDICTMENTS RETURNED.

\ONE\ FIVE COUNT INDICTMENT CHARGING [REDACTED] AND KAUFMAN  
WITH VIOLATION SECTIONS ONE ZERO EIGHT FOUR AND TWO, TITLE EIGHTEEN,  
USC.

\TWO\ TWO COUNT INDICTMENT SECTIONS ONE ZERO EIGHT FOUR AND  
TWO AGAINST [REDACTED]

\THREE\ ONE COUNT INDICTMENT SECTIONS ONE ZERO EIGHT FOUR AND  
TWO AGAINST LOMAN, [REDACTED]

\FOUR\ FIVE COUNT INDICTMENT SECTIONS ONE ZERO EIGHT FOUR AND  
TWO AGAINST NOLAN, [REDACTED]

\FIVE\ SIX COUNT INDICTMENT CHARGING ONLY ONE ZERO EIGHT FOUR  
AGAINST BOYD AND [REDACTED] NOT INCLUDED THIS INDICTMENT\.

END PAGE ONE

RELAYED TO

NY

PAGE TWO

LA 166-462

~~\SIX\~~ ~~SIX COUNT INDICTMENT~~ CHARGING ONE ZERO EIGHT FOUR AND  
TWO ON [REDACTED]

FOR CLARIFICATION ABOVE FACTS RELATE TO SIX SEPARATE INDICTMENTS  
AS OVER-ALL CONSPIRACY CASE NOT EXISTENT IN OPINION AUSA LALLY.

FOR INFO BUREAU THE FBW COUNTS AGAINST [REDACTED] AND VIRGIL  
SALATHIEL TO BE PRESENTED FGJ LOS ANGELES JUNE SIX NEXT.

AS BUREAU AWARE FACTS RE [REDACTED] AND OTHERS TO  
BE PRESENTED FGJ MONDAY AND TUESDAY JUNE SIX AND SEVEN NEXT.

FACTS RE FBW SUBJECTS ARRESTED LOS ANGELES TO BE PRESENTED FGJ,  
LOS ANGELES JUNE EIGHT NEXT.

FOR INFO ALL OFFICES GENERAL LANGUAGE OF COMPLAINTS CHARGED ALL  
WITH ON OR ABOUT DECEMBER TWENTY LAST BEING ENGAGED IN THE BUSINESS  
OF BETTING AND WAGERING, KNOWINGLY USED OR RECEIVED A WIRE COMMUNICAT-  
ION FACILITY TO TRANSMIT IN INTERSTATE COMMERCE BETWEEN SOUTHERN  
DISTRICT OF CALIFORNIA \AND YOUR RESPECTIVE AREA\ INFORMATION ASSIST-  
ING IN THE PLACING OF BETS AND WAGERS.

ALL RECEIVING OFFICES NOTIFY RESPECTIVE U. S. COMMISSIONER\S THAT  
INDICTMENTS RETURNED THIS DATE.

INVESTIGATION CONTINUING.

OTHER OFFICES HAVE BEEN ADVISED.

END

WA---HFL FOR RELAY

FBI WASH DC --

cc - Mr. Rosen

F B I

Date: 6/3/66

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIRMAIL  
(Priority)

TO: DIRECTOR, FBI (62-9333)  
 FROM: SAC, NEW ORLEANS (92-50)  
 CRIMINAL INTELLIGENCE PROGRAM  
 WEEKLY SUMMARY

[redacted] aka, et al  
 ITAR - GAMBLING  
 Bufile 166-1765  
 NO 168-87

On 6/2/66, EUGENE ANTHONY NOLAN, one of the subjects in instant matter, was indicted by a Federal Grand Jury on 5 counts for violation, Section 1084, USC.

[redacted] advised that in conversation with NOLAN during the past week, NOLAN intimated that he was going to close his Baton Rouge bookmaking operation. NOLAN told the informant that [redacted] was completely unknown to him and that the only time he, NOLAN, had called the west coast was to obtain the scores of various sporting events. NOLAN was of the opinion that possibly one of the persons who worked in his Baton Rouge operation might have been contacting [redacted] which fact was never made known to NOLAN.

NOLAN has indicated to the informant that he can definitely place himself in a location other than Baton Rouge on the specific dates he is alleged to be in telephonic

③ - Bureau  
 2 - New Orleans  
 MAK/jmc  
 (5)

57 JUN 15 1966

Approved: \_\_\_\_\_  
 Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

1cc dtd

166-1765-  
 NOT RECORDED  
 17 JUN 8 1966

18 JUN 6 1966

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 b7C

b2  
 b6  
 b7C  
 b7D

62-9-33-6-7  
 b6  
 b7C  
 ORIGIN FILED IN

NO 92-50/jmc/dbh

contact at Baton Rouge with individuals on the West Coast. [redacted] has previously reported [redacted]

[redacted] had planned a trip to [redacted]

[redacted] advised during the past week that [redacted] had returned to New Orleans and the informant stated that [redacted]

b2  
b6  
b7C  
b7D



FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 1  
Page 178 ~ b6, b7C

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X for this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

## MEMORANDUM FOR IDENTIFICATION DIVISION

P JUN 3 1966

Date

6-2-66

Bu file <u>166-1765</u>	Name of Subject <u>Joseph Peter Goldus</u>	Fugitive Index # <u>114972</u>
FBI # _____	Serial # _____	Other Identifying # _____
Subject Located <input checked="" type="checkbox"/>		

## Prosecution dismissed

Reason and/or by whom:

City

Los Angeles City

Date

5-25-66

## Action to be taken

Cancel fugitive stops for Index

\_\_\_\_ Cancel want in LEB

☒

Gen'l Fug

\_\_\_\_ Add additional aliases

☐

SS

I. O. # \_\_\_\_\_

☐

Deserter

Date of Fug Card 6-1-66

Ident Memo Received

☐

Yes

☒

No

☐

Description

per LA report 5-25-66

b6

b7C

## Remarks

NOT RECORDED

19 JUL 14 1966

JUL 15 1966 82

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

JUN 6 1966

TELETYPE

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Wick \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

FBI WASH DC

FBI LOS ANG.

8:42 PM PDST DEFERRED 6/6/66 VLB  
TO: DIRECTOR (166-88712) AND DALLAS (166-248)  
FROM: LOS ANGELES (166-534) 11 P/

VIRGIL HAL SALATHIEL, FBW. 00: LOS ANGELES.

RE LOS ANGELES REPORT JUNE ONE LAST AND DALLAS REPORT JUNE ONE LAST.

FEDERAL GRAND JURY, LOS ANGELES, RETURNED TRUE BILL THIS DATE INDICTING SUBJECT WITH FRAUD BY WIRE, VIOLATION OF TITLE EIGHTEEN, U. S. CODE, SECTION ONE THREE FOUR THREE, THREE COUNTS. DALLAS WILL ADVISE USC, DALLAS OF INDICTMENT. COPIES OF INDICTMENT BEING FORWARDED USM, DALLAS.

DALLAS WILL REPORT RESULTS OF SUBJECT'S REMOVAL HEARING.

DALLAS TO BE ADVISED.

END

WA--- ACK FOR 2 PLS --- REC-42

FBI WASH DC

OK FOR 2 TU CLRX

166-1765-122  
JUN 8 1966  
9-PPM

50 JUN 8 1966

Copy to

## FEDERAL BUREAU OF INVESTIGATION

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b7c

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>6/8/66</b>	INVESTIGATIVE PERIOD <b>3/23 - 6/2/66</b>
TITLE OF CASE <b>"CHANGED"</b>		REPORT MADE BY <b>[REDACTED]</b>	TYPED BY <b>m.jg</b>
[REDACTED] - FUGITIVE;		CHARACTER OF CASE <b>116 (6-2)</b>	
[REDACTED] - FUGITIVE;		<b>113 (6-2)</b>	
<b>THOMAS MILTON BOYD</b>		<b>2</b>	
[REDACTED] - FUGITIVE;		<b>1</b>	
<b>HERBERT KAUFMAN</b>		<b>3</b>	
[REDACTED] - FUGITIVE;		<b>4</b>	
<b>HENRY E. LOMAN</b>		<b>8</b>	
[REDACTED] - FUGITIVE;		<b>10</b>	
<b>EUGENE ANTHONY NOLAN</b>		<b>3-B</b>	
[REDACTED] - FUGITIVE;		<b>1-B</b>	
[REDACTED] - FUGITIVE;		<b>50</b>	

APPROVED <b>[Signature]</b>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE		<b>166-1765-123</b>	<b>MCT-1</b>
(CONTINUED ON COVER PAGE B)		<b>18 JUN 10 1966</b>	<b>REC-32</b>
Bureau (166-1765)		<b>REG. SEC.</b>	<b>ST-119</b>
Dissemination Record of Attached Report		Notations	
Agency	<b>CC, AAG Criminal Division,</b>	<b>6/5/66</b>	
Request Recd.	<b>Organized Crime Racketeering Section</b>	<b>STAT. SECT.</b>	
Date Fwd.	<b>2594</b>		
How Fwd.	<b>Room</b>		
By	<b>79 JUN 29 1966</b>		

LA 166-462

Title is marked "Changed" to reflect the identity of the defendants as set out in indictments.

REFERENCES: Los Angeles teletypes to Bureau dated 3/23/66; 5/24/66 and 5/25/66.

-P-

ADMINISTRATIVE:

This report is being submitted reflecting investigation and prosecutive progress concerning all individuals who were initially involved with [REDACTED]

The Los Angeles Division is opening separate cases on the defendants as set out in the title of this report and in the future reports and communications will be in those pertinent files.

The identity of Special Agents of the Los Angeles Division who were complainants before the U. S. Commissioner, Los Angeles on 5/24/66, are identified as follows:

Complaints filed by SA [REDACTED] for [REDACTED] [REDACTED] charging ITWI and EUGENE ANTHONY NOLAN charging ITWI.

Complaints filed by SA [REDACTED] for HERBERT KAUFMAN, ITWI; [REDACTED] ITWI; [REDACTED] FBW and [REDACTED] Aiding and Abetting FBW.

Complaints filed by SA [REDACTED] for [REDACTED] ITWI and FBW; HENRY E. LOMAN, ITWI; THOMAS MILTON BOYD, ITWI and [REDACTED] ITWI.

It should be noted that 11 other individuals were arrested on 5/25/66, all of whom had been involved in the use of the "blue box" and consequent FBW charges ensued.

-C-  
COVER PAGE

LA 166-462

The following are included in this group:

[REDACTED]

GRAY HOFFMAN  
JOSEPH SOLDIS  
CARL LOVELACE CLEMENT

b6  
b7C

[REDACTED]

VIRGIL SALATHIEL (who was arrested in Dallas, Texas)

[REDACTED]

who was arrested in Miami, Florida)

[REDACTED]

(who was arrested in Miami,  
Florida)

LEAD

LOS ANGELES OFFICE

AT LOS ANGELES, CALIFORNIA. Will follow and report  
prosecutive action.

-D\*-  
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to:

1 - USA, Los Angeles (Att: AUSA JOHN LALLY)  
1 - USA, Atlanta; 1 - USA, Baltimore; 1 - USA, Charlotte;  
1 - USA, Dallas; 1 - USA, Memphis; 1 - USA, Miami;  
1 - USA, Newark; 1 - USA, New Orleans; 1 - USA, New York

Report of:

Date:

6/8/66

Office: Los Angeles, California

Field Office File #: 166-462

Bureau File #: 166-1765

Title:

Character:

THOMAS MILTON BOYD

Synopsis:

HERBERT KAUFMAN

HENRY E. LOMAN

EUGENE ANTHONY NOLAN

INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FRAUD BY WIRE

LA 166-462

Telephone subscribed to by [REDACTED]

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[REDACTED]  
suspected by Pacific Telephone and Telegraph Company of being used in connection with a multi frequency signal generator known as a "blue box" to circumvent the normal billing procedures of the telephone company on long distance telephone calls. [REDACTED]

[REDACTED]  
[REDACTED] through subpoena duces tecum on April 20, 1966, and May 21, 1966. [REDACTED] made available to FBI, Los Angeles [REDACTED]

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[REDACTED]  
[REDACTED], BOYD, [REDACTED]  
LOMAN, NOLAN, KAUFMAN and [REDACTED]

[REDACTED] The facts of this matter were presented to AUSA JOHN LALLY at Los Angeles on May 24, 1966, who authorized filing complaints against all individuals before U. S. Commissioner, Los Angeles. Complaints filed and warrants issued for violation of Title 18, U. S. Code, Section 1084 (ITWI) and [REDACTED] also charged with Title 18, U. S. Code, Section 1343. All individuals were arrested on May 25, 1966 except NOLAN, who surrendered in New Orleans, Louisiana on May 26, 1966. All subjects free on bond. The above individuals indicted by Federal Grand Jury, Los Angeles on June 2, 1966, and charged with violation of Title 18, U. S. Code, Section 1084 and 2; Aiding and Abetting. Facts regarding FBW violations regarding [REDACTED] and [REDACTED] were discussed with AUSA LALLY on May 24, 1966, and he authorized complaints filed before U. S. Commissioner, Los Angeles on that date charging violation of Title 18, U. S. Code, Section 1343. [REDACTED] arrested, Los Angeles

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LA 166-462

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AFFIDAVIT OF PACIFIC TELEPHONE AND TELEGRAPH CO.-	6 - 7
[REDACTED]-----	8 - 160
DECEMBER 20 - 23 J. K. SPORTS JOURNAL BASKETBALL SCHEDULE-----	160A- 162
TELEPHONE CODE LIST OF KENNETH HANNA-----	163 - 164
[REDACTED] TELEPHONE CODE LIST-----	165 - 172
KNOWN SUBSCRIBERS OF PERTINENT TELEPHONE NUMBERS-----	173 - 174
AUTHORIZATION AND COMPLAINT DATA-----	175
ARRESTS AND PROSECUTIVE ACTION-----	176 - 201
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THOMAS MILTON BOYD-----	177
[REDACTED]-----	178
HERBERT KAUFMAN-----	179
HENRY E. LOMAN-----	180
EUGENE ANTHONY NOLAN-----	181
[REDACTED]-----	182
[REDACTED]-----	182 - 192
[REDACTED]-----	193
[REDACTED]-----	194 - 201

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LA 166-462

1

In a search conducted in Miami, Florida on January 8, 1966, pursuant to the execution of a search warrant after the arrest of KENNETH HERBERT HANNA, a list of telephone numbers, nicknames and code numbers were found in the HANNA apartment.

Following is a copy of the above list:

MM 165-594

3

Code No.	Reverted Telephone No.	True No.	Subscriber	Bottoms
-------------	------------------------------	----------	------------	---------

32 94539725965 945-9655 KEN HANNA, Jersey City  
795-5226 795-2265  
888-5145 888-1455

MM 165-594

5

Code No.	Reverted Telephone No.	True No.	Subscriber	Bottoms
66				\$ 160 +
67	3027647676 669-5227	764-6767 669-2275	HERBERT KAUFMAN Baltimore, Maryland	1,745 +
70				235 -
71				2,415 +
72	945-3972 945-5965	945-9723 945-9655	KEN HANNA	5,450 +

MM 165-594  
6

Code No.	Reverted Telephone No.	True No.	Subscriber	Bottoms
-------------	------------------------------	----------	------------	---------

98      282-8062      282-0628      E. A. NOLAN, Baton Rouge, La: 11,010 -  
          282-9014      282-0149      "      "      "  
          348-7319      348-3197      "      "      "

MM 165-594  
7

Code No.	Reverted Telephone No.	True No.	Subscriber	Bottoms
-------------	------------------------------	----------	------------	---------

444	532-9211	532-2119	AL MONES, Miami	5,925 -
	532-1400	532-4001		

LA 166-462

Previous investigation has determined that the following individuals normally utilize the telephone listed with their names:

NAME AND ADDRESS	TELEPHONE
<div data-bbox="201 632 1183 787"></div>	
THOMAS MILTON BOYD c/o Downtown Recreation Club 415 Deadrick St. Nashville, Tenn.	256-2114
HERBERT KAUFMAN 3600 Labyrinth Rd. Baltimore, Md.	764-6767
HERBERT KAUFMAN Realty Co. 1615 W. North Ave. Baltimore, Md.	669-2275
EUGENE A. NOLAN 1051 Rittner St. Baton Rouge, La.	348-3197
E. A. NOLAN Lake Terrace Apts. #79 New Orleans, La.	282-0628
EUGENE A. NOLAN 6169 Paris Av. New Orleans, La.	282-0149 282-0628

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AUTHORIZATIONS AND COMPLAINTS

On May 24, 1966, Assistant United States Attorney JOHN F. LALLY authorized the filing of a complaint for violation of United States Code, Title 18, Sections 1084 and 1343, against [REDACTED]

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AUSA LALLY also authorized the filing of complaints for violation of United States Code, Title 18, Section 1084, against [REDACTED] THOMAS MILTON BOYD, [REDACTED] [REDACTED] HERBERT KAUFMAN, HENRY E. LOMAN, EUGENE ANTHONY NOLAN and [REDACTED]

He further authorized the filing of a complaint for violation of United States Code, Title 18, Section 2, against [REDACTED] and a complaint for violation of United States Code, Title 18, Section 1343, against [REDACTED]

AUSA LALLY recommended bond in the amount of \$5,000.00 returnable to Los Angeles against all of the above persons.

On May 24, 1966, SA [REDACTED] filed the complaints against [REDACTED] and EUGENE ANTHONY NOLAN; SA [REDACTED] filed the complaints against [REDACTED] THOMAS MILTON BOYD, HENRY E. LOMAN, and [REDACTED] and SA [REDACTED] filed the complaints against [REDACTED] HERBERT KAUFMAN, [REDACTED] before United States Commissioner RUSSELL R. HERMANN, Los Angeles, California, who issued warrants for the arrest of these persons.

Fugitive Form Letters submitted on all subjects on May 24, 1966.



LA 166-462

[REDACTED]  
THOMAS MILTON BOYD  
(Code No. [REDACTED])

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The Code Number lists obtained from HANNA and [REDACTED] reflect Telephone No. [REDACTED] for Code No. [REDACTED]. This telephone is located at the Downtown Recreation Club, 415 Deadrick, Nashville, Tennessee, and is regularly used by THOMAS MILTON BOYD.

Pertinent FD 302s reflecting [REDACTED] communications with BOYD in the transmission of wagering and betting information appear on Pages 26 to 31, 60 to 62, 92 to 96, 107 to 110, 128 to 130, and 135 to 140 of this report.

BOYD was arrested by Bureau Agents in Nashville, Tennessee on May 25, 1966, on a Commissioner's warrant charging him with violation of Title 18, U. S. Code, Section 1084, and was released on his own recognizance. BOYD was indicted on June 2, 1966, by a Federal Grand Jury at Los Angeles, California, which charged him with 5 counts of violation of Title 18, U. S. Code, Section 1084 (Interstate Transmission of Wagering Information) in that on or about December 20 - 23, 1965, defendants THOMAS MILTON BOYD and [REDACTED] being engaged in the business of betting and wagering did knowingly use a wire communication facility, that is a telephone, for the transmission in interstate commerce between Los Angeles County in the Southern District of California, and Nashville, Tennessee of bets and wagers, and of information assisting in the placing of bets and wagers.

[REDACTED]  
HERBERT KAUFMAN  
(Code No. 67)

The Code lists obtained from HANNA and [REDACTED] reflected Code No. 67 has Telephone Nos. [REDACTED] and [REDACTED]. Telephone No. [REDACTED] is subscribed to by HERBERT KAUFMAN, 3600 Labyrinth Road, Baltimore, Maryland and Telephone No. 301-669-2275 is subscribed to by Herbert Kaufman Realty Company, 1615 West North Avenue, Baltimore, Maryland.

Pertinent FD 302s reflecting communications between KAUFMAN and [REDACTED] are located on Pages 12 to 16, 18, 20, 32 to 34, 39, 42 to 45, 81, 83 to 86, 97 to 99, 112 to 113, 118 to 121, 133 to 134, and 153 of this report.

KAUFMAN was apprehended on May 25, 1966, by Bureau Agents in Baltimore, Maryland on a Commissioner's warrant charging him with violation of Title 18, U. S. Code, Section 1084 and he was released on \$5,000 bond.

KAUFMAN was indicted on June 2, 1966 by a Federal Grand Jury at Los Angeles and charged with 5 counts of Title 18, U. S. Code, Section 1084 (Interstate Transmission of Wagering Information) and Title 18, U. S. Code, Section 2 (Aiding and Abetting), in that on or about December 20 - 23, 1965, HERBERT KAUFMAN and [REDACTED] being engaged in the business of betting and wagering did knowingly use a wire communication facility, that is a telephone, for the transmission in interstate commerce between Los Angeles County in the Central Division of the Southern District of California, and Baltimore, Maryland, of information assisting in the placing of bets and wagers.

That at said time and place [REDACTED] caused said wire communication facility to be used for the interstate transmission of information assisting in the placing of bets and wagers.

LA 166-462

[REDACTED]  
HENRY E. LOMAN  
(Code No. 707)

The code lists obtained from HANNA and [REDACTED] reflect that Code No. 707 has Telephone Nos. [REDACTED] and [REDACTED] Telephone No. 919-275-6925 is subscribed to by HENRY E. LOMAN, Route 5, Box 856, Greensboro, North Carolina.

Pertinent pages reflecting LOMAN's association with [REDACTED] are 19, 68 to 69 and 71 to 81 of this report.

LOMAN was arrested by Bureau Agents on May 25, 1966, at Greensboro, North Carolina on a Commissioner's warrant charging him with violation of Title 18, U. S. Code, Section 1084. He was released on \$2,500 bond.

LOMAN was indicted by a Federal Grand Jury at Los Angeles on June 2, 1966, and charged with 1 count of violation of Title 18, U. S. Code, Section 1084 (Interstate Transmission of Wagering Information) and Title 18, U. S. Code, Section 2 (Aiding and Abetting) in that on or about December 20, 1965, LOMAN and [REDACTED] being engaged in the business of betting and wagering, did knowingly use a wire communication facility, that is a telephone, for the transmission in interstate commerce between Los Angeles County in the Southern District of California, and Greensboro, North Carolina of information assisting in the placing of bets and wagers.

At said time and place [REDACTED] caused the said wire communication facility to be utilized for the interstate transmission of information assisting in the placing of said bets and wagers.

LA 166-462

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[REDACTED]  
EUGENE ANTHONY NOLAN  
(Code No. 98)

The code lists obtained from [REDACTED] and HANNA reflect that Code No. 98 has Telephone No. [REDACTED] Telephone No. 504-348-3197 is subscribed to by EUGENE A. NOLAN, 1051 Rittner Street, Baton Rouge, Louisiana.

Pertinent communications between NOLAN and [REDACTED] [REDACTED] are found on Pages 58 to 59, 63 to 65, 87 to 91, 100 to 106, 121 to 127, 131 to 132 and 139 of this report.

NOLAN surrendered himself to the U. S. Commissioner's office at New Orleans on May 26, 1966, a Commissioner's warrant having been issued charging him with violation of Title 18, U. S. Code, Section 1084. He was released on \$5,000 bond.

NOLAN was indicted on June 2, 1966, by a Federal Grand Jury at Los Angeles and charged with 5 counts of violation of Title 18, U. S. Code, Section 1084 (Interstate Transmission of Wagering Information) and Title 18, U. S. Code, Section 2 (Aiding and Abetting) in that on or about December 20 - 23, 1965, EUGENE ANTHONY NOLAN and [REDACTED] [REDACTED] being engaged in the business of betting and wagering, did knowingly use a wire communication facility, that is a telephone, for the transmission in interstate commerce from Los Angeles County, California in the Central Division of the Southern District of California, and Baton Rouge, Louisiana of bets and wagers and of information assisting in the placing of bets and wagers.

At the said time and place [REDACTED] caused the said wire communication facility to be utilized for the interstate transmission of information assisting in the placing of said bets and wagers.

[REDACTED]  
(Code No. 26)

The code lists obtained from HANNA and [REDACTED] identified Code No. 26 as having Telephone No. [REDACTED] Telephone Nos. [REDACTED] are located at the [REDACTED]

[REDACTED] and are regularly used by [REDACTED]

Pertinent pages reflecting communications with [REDACTED] appear on Pages 9 to 11, 17 to 18, 35 to 39, 82, 112, 114 to 117, 120 to 121, 133 to 134, 141 to 147 and 153 to 160 of this report.

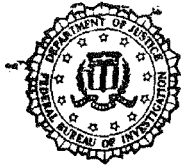
[REDACTED] was arrested by Bureau Agents at [REDACTED] on May 25, 1966, on a Commissioner's warrant charging him with violation of Title 18, U. S. Code, Section 1084. He was released on \$5,000 bond.

On June 2, 1966, [REDACTED] was indicted by a Federal Grand Jury at Los Angeles and charged with 6 counts of violation of Title 18, U. S. Code, Section 1084 (Interstate Transmission of Wagering Information) and Title 18, U. S. Code, Section 2 (Aiding and Abetting) in that on or about December 20 - 23, 1965, [REDACTED] being engaged in the business of betting and wagering, did knowingly use a wire communication facility, that is a telephone, for the transmission in interstate commerce between Los Angeles County in the Southern District of California, and Conyers, Georgia of information assisting in the placing of bets and wagers.

At said time and place [REDACTED] caused said wire communication facility to be used for the interstate transmission of information assisting in the placing of bets and wagers.

## FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537



## REPORT

of the

## IDENTIFICATION DIVISION

## LATENT FINGERPRINT SECTION

YOUR FILE NO.

166-663

FBI FILE NO.

166-1765

LATENT CASE NO.

64617

June 10, 1966

TO: SAC, Newark

RE: KENNETH HERBERT HANNA, AKA  
ITVI, FBI

b6  
b7C

## REFERENCE:

Letter 6-1-66

## EXAMINATION REQUESTED BY:

Newark

## SPECIMENS:

Major case prints of [redacted]  
FBI [redacted]

See attached page for the results of comparison of nine latent fingerprints and three latent palm prints previously reported this case. Major case prints of [redacted] not identical remaining latent finger and palm prints previously reported this case or with latent fingerprints previously reported in case entitled [redacted] aka. Et Al, ITVI, FBI - Conspiracy. Bufile 166-1765. Latent Case #66676.

Major case prints retained.

- 1 - Los Angeles (166-462)
- 1 - Miami (165-592)
- 1 - Newark (166-663)
- 1 - Bufile (166-1765)

DUPLICATE YELLOW

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

JFW:mb  
(10)

John Edgar Hoover, Director

THIS REPORT IS FURNISHED FOR OFFICIAL USE ONLY

MAIL ROOM ☐ TELETYPE UNIT ☐

RECEIVED JUL 11 1966

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (165-1990)  
ATTENTION: IDENTIFICATION DIVISION  
FROM : LATENT FINGERPRINT SECTION  
SAC, NEWARK (165-663)  
SUBJECT: KENNETH HERBERT RAMMA, aka.  
ITWI, FBI  
OO: Miami

DATE: 6/1/66

*One yellow*

*Re* ReBuairtels 1/18/66 and 2/3/66 which advised that latent prints of value were developed on material previously submitted by Newark.

Enclosed for the Bureau are a completed fingerprint card and four cards comprising major case prints obtained from [redacted] at the time of his arrest, on 5/25/66, in connection with the case entitled [redacted] aka. ET AL, ITWI, FBI-CONSPIRACY. OO: LOS ANGELES.

The Identification Division is requested to compare the enclosed prints with those latents developed and referred to in referenced Bureau airtels.

The Bureau, Los Angeles, Miami and Newark should be furnished results.

- 4 - Bureau (Encls. 5)
  - (1 - 166-1765)
- 1 - Los Angeles (166-462)
- 1 - Miami (165-592)
- 2 - Newark
  - (1 - 166-553)

JFW:hds  
(8)



166-1765  
NOT RECORDED  
165 JUN 15 1966

165-1990-24  
ORIGINAL FILED IN

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 7

Page 85 ~ b6, b7C

Page 86 ~ b6, b7C

Page 181 ~ b6, b7C, b7D

Page 183 ~ b6, b7C

Page 234 ~ b6, b7C

Page 235 ~ b6, b7C, b7D

Page 236 ~ b6, b7C

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X for this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX



F B I

Date: 6/8/66

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)TO: DIRECTOR, FBI (166-1765)  
(166-80712)

FROM: SAC, DALLAS (166-248) (P)

SUBJECT: VIRGIL HAL SALATHIEL  
FBW

OO: LOS ANGELES

Re Los Angeles tel 6/6/66/

On 6/7/66, AUSA, BARNEY H. TIMMINS, JR., was advised that a true bill had been returned by FGJ, Los Angeles, indicting subject with FBW on three counts.

TIMMINS advised on 6/2/66 SALATHIEL's attorney appeared before USC, NDT, Dallas, and waived his rights to a hearing, was placed on \$1,000 bond returnable at Los Angeles, California. TIMMINS advised that prior to making these arrangements he had contacted the USA's Office, Los Angeles re the above hearing.

3 - Bureau  
2 - Los Angeles (166-534)  
3 - Dallas (2 - 166-248)  
(1 - 166-241)

IDL/smg  
(8)

166-1765-127  
15 JUN 10 1966

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

UNITED STATES

# Memorandum

b6  
b7C

TO : DIRECTOR, FBI (166-1765)

DATE: 6/8/66

FROM : SAC, MEMPHIS (166-329) (P)

SUBJECT:

[REDACTED] aka -  
FUGITIVE;  
ET AL;  
ITAR - GAMBLING; ITWP; FBW-CONSPIRACY

(OO: Los Angeles)

During the search of the office of subject, THOMAS MILTON BOYD, Nashville, Tennessee, on 5/25/66, Agents located a .38 caliber Smith and Wesson snubnose revolver, Serial Number 39530, loaded with five cartridges.

It is requested that this weapon be searched through the National Stolen Property File to determine if stolen.

2-Bureau  
1-Los Angeles (166-462)  
2-Memphis  
WMH:lre  
(5)

REC-42

3 JUN 10 1966



FBI

Date: 6/23/66

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL REGULAR MAIL  
(Priority)

TO : DIRECTOR, FBI (166-1765)  
 FROM : SAC, BALTIMORE (166-447) -P-  
 SUBJECT: [REDACTED] aka  
 ET AL  
 ITWI; FBW - CONSPIRACY  
 (OO:LOS ANGELES)

For information of the Bureau and Los Angeles, Mr. ARTHUR K. CROCKER, AUSA, Baltimore, after telephonically conferring with AUSA LALLY at Los Angeles, requested that the checks and cash taken from subject HERBERT KAUFMAN be turned over to his office for transferral by him to a representative of the U.S. Internal Revenue Service. Mr. CROCKER said it is his opinion that the FBI would not be able to legally retain this money in connection with the gambling case against KAUFMAN but that the money could be released by him to the IRS [REDACTED]

b3 26 U.S.C., Section 6103

A proper receipt was obtained from Mr. CROCKER.

It is also noted that this office, upon instructions of Mr. CROCKER, returned to HERBERT KAUFMAN, one wallet with eight business cards and a xerox copy of a sheet of paper with initials and phone numbers on it. A receipt was obtained from KAUFMAN for this material.

3 - Bureau  
 2 - Los Angeles (AM) (166-462)  
 2 - Baltimore  
 MMW:mmm  
 (7)

REC-60

166-1765-131

14 JUN 24 1966

FBI

Approved: EAT / K  
Special Agent in Charge  
56 JUL 11 1966  
FBI

Sent \_\_\_\_\_ M Per \_\_\_\_\_

b6  
b7Cb6  
b7C

LA 166-462

Attorney [redacted] appeared in U. S. District Court, Los Angeles, before U. S. Judge CHARLES CARR on 6/23/66, and requested a continuance in view of previous commitment for 8/1-2/66.

Judge CARR ruled that the defense should file motions for suppression of evidence along with any other desired motions by 7/11/66. The Government was to reply to these motions by 7/14/66, and the motions will be heard on 7/18/66. [redacted] advised the court that he was representing [redacted] and LOMAN.

Trial is scheduled for 7/25/66, at 9:30 a.m., for HENRY E. LOMAN and all other cases are vacated with trial dates to be set depending upon the ruling on the motions and developments in the LOMAN matter.

The court's ruling that all documentary evidence be furnished the defense 20 days prior to trial date is still in force and AUSA JOHN LALLY, Los Angeles, has arranged that all documentary evidence is to be furnished Departmental Attorney WALLACE JOHNSON, Miami, who in turn will deliver same to Attorney [redacted]

The enclosures for Miami, in accordance with above instructions, should be furnished Departmental Attorney WALLACE JOHNSON.

Miami is requested to furnish JOHNSON along with a copy of the book entitled, "The New Dictionary of Thoughts - A Cyclopedia", a copy of the code list obtained from the apartment of KENNETH HANNA, which appears on Page 164 of referenced report.

In view of the new date of litigation in this matter, all offices should provide copies of FD 302s reflecting subscribers to telephone numbers as requested in referenced airtel directly to Miami with copies to the Los Angeles Division, which in turn, Miami is to provide to Departmental Attorney JOHNSON.

F B I

Date: 6/21/66

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIR MAIL  
(Priority)b6  
b7c

TO: DIRECTOR, FBI (166-1765)  
 FROM: SAC, LOS ANGELES (166-462)  
 RE: [REDACTED]  
 ET AL  
 ITWI; FBW  
 OO: LOS ANGELES

*Handwritten:* 5-25-66  
*Handwritten:* LA 26

Re report of SA [REDACTED] dated 6/8/66,  
 at Los Angeles.

Defendants [REDACTED] KAUFMAN, LOMAN, NOLAN,  
 [REDACTED] all pled not guilty to charges  
 on 6/20/66, in U. S. District Court, Los Angeles, Judge  
 CHARLES H. CARR presiding. Court ordered that motions to  
 suppress evidence, that is tapes furnished by Pacific Telephone  
 & Telegraph Company, be heard on a.m. of 8/1/66, and if  
 motion denied, trial will commence on the p.m. of 8/1/66.  
 The Government was ordered by the court to provide defense  
 counsel [REDACTED] with all affidavits and  
 copies of all evidence which will be utilized in trial 20  
 days before trial date. Court further ordered that any  
 evidence not so provided defense at this time, would not  
 be admitted in his court at trial.

③ - Bureau  
 2 - Atlanta (166-182)(AM)  
 2 - Baltimore (166-447) (AM)  
 2 - Charlotte (162-185) (AM)  
 2 - Memphis (166-329)(AM)  
 2 - Miami (166-359)(AM)  
 1 - New York (166-112)(info) (AM)  
 2 - Newark (166-553)(AM)  
 2 - New Orleans (168-87)(AM)  
 2 - Los Angeles  
 TLD/mjg  
 (20)

*Handwritten:* REC 20  
*Handwritten:* C.C. Wick

*Handwritten:* airtel to LA  
 6-24-66  
 166-1765

JUN 22 1966

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
 Special Agent in Charge

LA 166-462

Los Angeles is preparing copies of modified tapes reflecting conversations between [redacted] and other defendants pertaining to gambling matters and will forward them, together with copies of other evidence to the Miami Division to be delivered to Attorney [redacted] has stated to AUSA LALLY, Los Angeles that he will personally arrange for distribution to other defense attorneys as required.

THOMAS MILTON BOYD to be arraigned on 8/22/66, however, possibility exists that he may be joined in hearings to be conducted on 8/1/66.

AUSA LALLY advised that he has been unable to obtain continuance in the FBW matters pertaining to other subjects arrested in the Los Angeles area who were charged with the manufacture of or use of blue boxes. He also advised that he has dismissed the complaints against them pending disposition of the ruling involving [redacted] and the findings that the use of electronic equipment to defraud the telephone company did not fall within the FBW statute. AUSA LALLY has requested the Department's opinion in appealing this ruling. Should a favorable decision be made on the appeal, AUSA LALLY contemplates subsequent prosecution of these cases.

This list includes GRAY, HOFFMAN, [redacted] aka [redacted]  
JOSEPH SOLDIS, CARL CLEMENT, [redacted]  
[redacted]

The complaint against [redacted] has previously been dismissed as he was fully cooperative and is considered a Government witness.

The complaint against [redacted] who is currently out of the country, has not been dismissed and VIRGIL SALATHIEL is scheduled to be arraigned on one FBW charge on 6/27/66.

All property obtained from [redacted] at

## FEDERAL BUREAU OF INVESTIGATION

b6  
b7c

REPORTING OFFICE <b>NEW ORLEANS</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>6/28/66</b>	INVESTIGATIVE PERIOD <b>6/20/66</b>
TITLE OF CASE <b>EUGENE ANTHONY NOLAN</b>		REPORT MADE BY SA <b>[REDACTED]</b>	TYPED BY <b>cmg</b>
		CHARACTER OF CASE <b>ITWI; FBW</b>	

*custody 5-23*  
*SA [REDACTED] 18*  
*SA [REDACTED] 18*  
*(5-28)*

*2*  
*1*  
*8*  
*But*

REFERENCE

Report of SA **[REDACTED]** Los Angeles,  
dated 6/8/66.

- RUC -

ENCLOSURETO: BUREAU

Disposition sheet for subject NOLAN.

DISPOSITION SHEET DETACHED  
AND RETURNED TO ORIGINATORA\*  
COVER PAGE

APPROVED <b>[REDACTED]</b>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: ③ - Bureau (166-1765) (ENC. 1) 1 - USA, New Orleans 3 - Los Angeles (1 - USA, Los Angeles, Attn: AUSA, JOHN LULLY) 1 - New Orleans (168-87)		166-1765-136	REC-38
		JUN 29 1966	EX 109
DISSEMINATION RECORD OF ATTACHED REPORT		NOTATIONS	
AGENCY	REQUEST RECD.	<div style="border: 1px solid black; width: 100px; height: 100px; transform: rotate(45deg);"></div>	
DATE FWD.	HOW FWD.		
BY			
CC, AUSA, Criminal Division, Organized Crime & Racketeering Section Room 2524			

*EP*

PCYA

6-8-66 (254 PC)B

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON 25, D.C.

*J. Edgar Hoover*  
Director.

The following FBI record, NUMBER 301 322 E, is furnished FOR OFFICIAL USE ONLY.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
PD Baton Rouge La	E. A. Nolan #---	appl prt rec 1-17-55		
PD Baton Rouge La	Eugene Anthony Nolan #24924	4-27-61	allowing gambling on premises	on Cont w/o awaiting Supreme court dec
PD Baton Rouge La	Eugene A. Nolan #24924	11-4-62	vag to wit loitering	case dism on chge of vagrancy
USM New Orleans La	Eugene Anthony Nolan #2881	7-9-64	Failure to file Supplm Wager tax return	
USM New Orleans La	Eugene Anthony Nolan #3733	9-8-65	interstate transmission of wagering information	
USM New Orleans La	Eugene Anthony Nolan #4373	5-25-66	ITWI	

2\*

Information shown on this Identification Record represents data furnished FBI by fingerprint contributors. Where final disposition is not shown or further explanation of charge is desired, communicate with agency contributing those fingerprints.

Notations indicated by \* are NOT based on fingerprints in FBI files but are listed only as investigative leads as being possibly identical with subject of this record.

U.S. GOVERNMENT PRINTING OFFICE : 1961-O-615915



NK 166-553

It is probable that [redacted] transferred his operations from [redacted] on or about 12/13/65. b6 b7C

As reported by the Miami Division in the case entitled "KENNETH HERBERT HANNA, aka ITAR: ITWI: FRW. (BUFILE 165-1990)". b6 b7C b7D

[redacted]

On the list was [redacted] one of the CLERI telephones.

Also on the list were [redacted] located at [redacted] prints were located on both instruments using these numbers. b6 b7C

[redacted] b6 b7C b7D

In addition, Miami obtained tape recordings of conversations between HANNA and a [redacted] at the Jersey City location. LA has tape recordings between [redacted] at the Union City location. b6 b7C

It is suggested that consideration be given to a voice print analysis of this material in an effort to identify [redacted]

TELETYPE UNIT

JUL 8 1966

ENCODED MESSAGE

Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Wick	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

~~SECRET~~ FBI WASH D C ---1---

U R G E N T 11:30AM 7-7-66 RGC

TO DIRECTOR (166-1765)

FROM LOS ANGELES (166-534)

AND OTHERS <sup>also known as</sup> **AKA: VIRGIL HAL SALATHIEL;**  
**ET AL. ITAR-GAMBLING. ITWP. FRAUD BY WIRE.**  
Interstate Transportation of Wagering Paraphernalia

REFER REPORT SPECIAL AGENT  
REREP OF SA <sup>Office of Origin</sup> **AT DALLAS DATED JUNE ONE**  
**LAST WITH CC: LOS ANGELES.**

ON JULY FIVE LAST SALATHIEL WAS ARRAIGNED IN LOS  
ANGELES BEFORE <sup>U.S. DISTRICT JUDGE</sup> **USDJ CHARLES CARR** AND TRIAL WAS SCHEDULED  
AUGUST ONE NEXT IN THE **FRAUD BY WIRE** **FBI** MATTER.

THE COURT INSTRUCTED THAT AS IN THE OTHER CASES  
TO DATE STEMMING FROM THE INVESTIGATION OF BLUE BOX USE  
THE DEFENSE SHOULD BE IN POSSESSION OF ALL DOCUMENTARY  
EVIDENCE TWENTY DAYS PRIOR TO TRIAL DATE. REC-1

<sup>Assistant United States Attorney</sup>  
ON JULY SEVEN LAST **AUSA JOHN LALLY, LOS ANGELES** JUL 12 1966  
ADVISED THAT SALATHIEL'S ATTORNEY HAD FILED A MOTION TO  
END PAGE ONE

MR. DELOACH FOR THE DIRECTOR

57 JUL 15 1966

1 cdvd

22 JUL 19 60 SI 11 AM  
166-1765-143  
RECEIVED-775  
JUL 8 2 55 PM '66  
JUL 12 1966  
JUL 15 1966

THU 1000

28 JUL 1950

PAGE TWO

PRECLUDE FURTHER PROSECUTIVE ACTION IN THIS MATTER UNTIL  
THE APPELLATE STATUS OF THE [REDACTED] MATTER WAS  
RESOLVED. <sup>U.S. DISTRICT JUDGE</sup> ~~USDJ~~ HILL RULED THAT USE OF THE BLUE BOX DID NOT  
FALL WITHIN THE INTERPRETATION OF <sup>FRAUD BY WIRE</sup> ~~FDW~~ STATUTE. THE DEPARTMENT  
IS CONTEMPLATING APPEALING THIS RULING TO THE SUPREME COURT.

b6  
b7C

<sup>GE</sup>  
JUDGE CARR GRANTED THIS DEFENSE MOTION AND THE  
SALATHIEL MATTER HAS BEEN PLACED OFF CALENDAR PENDING

[REDACTED] APPEAL.

DALLAS ADVISED <sup>AIR MAIL</sup> ~~AM~~

END

WA...JRL

FBI WASH DC

CC: MR. GALE  
CC-MR. ROSEN

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (166-1765) DATE: 7/11/66

FROM : SAC, MIAMI (166-359) (P)

SUBJECT: [REDACTED]  
ET AL  
ITWI; FBW  
OO: Los Angeles

b6  
b7C

Re Los Angeles airtel to the Bureau, 6/23/66;  
Los Angeles airtel to the Bureau, 6/29/66, and Los Angeles  
airtel to the Bureau 7/1/66.

In accordance with referenced airtel dated June 23,  
1966, the Miami Division turned over to Departmental Attorney  
WALLACE JOHNSON in Miami, on June 30, 1966 the following  
material:

1. Weekly Sports Journal No.4 reflecting games  
played for the week ending Sunday, December 26, 1965.

[REDACTED]

b6  
b7C  
b7D

The above items were furnished to Miami by Los  
Angeles with referenced airtel dated June 23, 1966.

b6  
b7C

It is noted that the court order requesting that  
the above information be furnished to the defense counsel  
also directed that a copy of the code list found in the  
possession of KENNETH HANNA at the time of his arrest on  
January 8, 1966 and the "New Dictionary of Thoughts" seized  
in the search of [REDACTED] apartment on January 8  
1966 be furnished to the defense counsel.

- ② - Bureau
  - 2 - Los Angeles (166-462)
  - 1 - Miami
- WFH:mbr  
(5)

JUL 15 1966

EX-108

JUL 22 1966

166-1765-144

MM 166-359

The above-described code list and the New Dictionary of Thoughts were appropriately copied and made available to Departmental Attorney WALLACE JOHNSON on June 30, 1966.

It should be noted that this same court order directed that the telephone company records of subscriber information for the telephone numbers appearing in HANNA's code records and in [REDACTED] "Book of Thoughts" likewise be furnished to the defense counsel. In this connection, the Miami Office has been receiving various 302's on telephone subscriber information for the purpose of turning them over to Departmental Attorney WALLACE JOHNSON. Inasmuch as the court order specifically states telephone company records, Mr. JOHNSON is not turning over 302's to the defense counsel at this time and the 302's are being retained by the Miami Office. Mr. JOHNSON advised on July 6, 1966 that he received the subscriber information and telephone records relating to subject LOMAN, which records were subpoenaed, and that this information has already been turned over to the defense counsel.

The Miami Office on July 6, 1966 turned over to Departmental Attorney WALLACE JOHNSON a statement of qualification and anticipated testimony on the part of an expert witness in gambling matters which was furnished to Miami with Los Angeles airtel to Bureau dated June 29, 1966.

In connection with referenced Los Angeles airtel to the Bureau dated July 1, 1966, concerning the voice identification of [REDACTED], SA [REDACTED] is familiar with [REDACTED] voice and can identify it on tape; however, this identification is based on only one personal contact with [REDACTED] at the time of his arrest.

The Miami Office suggests that possibly Departmental Attorney LALLY may desire to utilize IRS Agent [REDACTED] assigned to Miami, for this voice identification of [REDACTED] is well acquainted with [REDACTED] and is qualified to identify his voice.

NA 7-11-66  
JTB

b6  
b7c

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

JUL 11 1966

TELETYPE

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI LOS ANG.

6:59 PM PDT URGENT 7-11-66 RAW

TO: DIRECTOR (166-1765) AND OKLAHOMA CITY (87-24039)

FROM: LOS ANGELES (166-462)

[REDACTED]

ET AL. ITWI. FBW.

OO: LOS ANGELES.

RE OKLAHOMA CITY AIRTEL TO BUREAU (EIGHT SEVEN  
DASH EIGHT SIX SEVEN ONE TWO CAPTIONED THOMAS B. MC KAY. ET  
AL. FBW CONSPIRACY. OO: OKLAHOMA CITY) DATED JULY SEVEN LAST.

RE AIRTEL ENCLOSED COPIES OF TRANSCRIPT OF  
ORAL ARGUMENTS MADE BY DEFENDANTS IN MATTERS PERTAINING TO  
USE OF ELECTRONIC DEVICES AND TELEPHONE FACILITIES. MOTIONS  
FOR DEFENDANTS TO SUPPRESS DENIED.

AUSA JOHN LALLY, LOS ANGELES, DESIRES COPIES OF  
GOVERNMENT'S ANSWERS TO DEFENSE MOTIONS IN CONNECTION WITH  
END PAGE ONE

REC-67

166-1765-9-145

JUL 11 10 43 AM '66

EX-108

JUL 18 1966

DE E 420-27E

51 JUL 22 1966

PAGE TWO

LA (166-462)

CAPTIONED CASE FOR ASSISTANCE IN ANSWERING DEFENSE MOTIONS  
IN  MATTER.

b6  
b7C

OKLAHOMA CITY RETURN AIRTEL PLEASE FURNISH  
GOVERNMENTS' ANSWERS FOR SUBMISSION TO LALLY. GOVERNMENT  
MUST FILE ANSWER TO MOTION BY JULY FOURTEEN NEXT.

END.

WA...NHH

FBI WASH DC

OC...FILE NUMBER IS INCORRECT ORXXX FOR OC EAM

FBI OKLA CITY

~~IT IS NOT YOUR NO OC OUR B7 DONT GO THAT HIGH  
OR MY BLO CHRS OUT I WILL TA CR TO CLM~~

*CC Mr Rasm*

NA 7/12/66

TELETYPE UNIT  
JUL 12 1966  
ENCODED MESSAGE

b6  
b7C

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Wick \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

1.  
2.

FBI WASH DC ---4---

U R G E N T 3-07 PM 7-12-66 RGC

TO DIRECTOR (166-1765) ATTN. FBI LABORATORY AND MIAMI (166-329)  
MIAMI VIA WASHINGTON - PLAINTEXT  
FROM LOS ANGELES (166-462) 2P

4

[REDACTED] ET AL. ITWI; FBW. OO:  
LOS ANGELES.

RE REPORT OF SA [REDACTED] DATED JUNE  
EIGHT LAST AT LOS ANGELES.

AUSA JOHN LALLY ADVISED THAT DEPARTMENTAL ATTORNEY  
WALLACE JOHNSON WAS REQUESTING THE MIAMI DIVISION TO FORWARD  
THE "DICTIONARY OF NEW THOUGHTS" AND ANY GAMBLING RECORDS  
OBTAINED IN THE SEARCHES OF [REDACTED] AND HANNA TO THE  
FBI LAB FOR ANALYSIS IN CONNECTION WITH CONTEMPLATED  
PROSECUTION MIAMI.

LALLY REQUESTED THE ANALYSIS OF THESE RECORDS  
ALSO BE MADE TO DETERMINE IF "BOTTOMS" OR ANY OTHER BETTING  
END PAGE ONE

50 JUL 26 1966  
7171

EX-108 1 JUL 20 1966  
66-1765-147

RELAYED TO

MM

AB



INFORMATION APPEARING THEREIN IS RELATED TO THE "BOTTOMS"  
OR BETTING INFORMATION PERTINENT TO THE VARIOUS DEFENDANTS  
APPEARING IN THE TRANSCRIPTS IN REFERENCED REPORT.

MIAMI, IF NOT ALREADY CONTACTED BY DEPARTMENTAL ATTORNEY JOHNSON IN THIS MATTER, CONTACT HIM AND EXPLORE THE FEASIBILITY OF HIS REQUEST AND ADVISE BUREAU AND LOS ANGELES OF DEVELOPMENTS.

FBI WASH DC

C. M. Penrod

## FEDERAL BUREAU OF INVESTIGATION

b6  
b7c

REPORTING OFFICE <b>NEW ORLEANS</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>7/18/66</b>	INVESTIGATIVE PERIOD <b>7/7/66</b>
TITLE OF CASE <b>EUGENE ANTHONY NOLAN</b>		REPORT MADE BY SA <span style="border: 1px solid black; padding: 0 20px;"> </span>	TYPED BY <b>jmc</b>
		CHARACTER OF CASE  <b>ITWI; FBW</b>	

REFERENCEReport of SA   at New Orleans, 6/28/66.

- RUC -

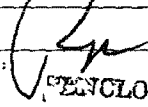
ENCLOSURESTO THE BUREAU:

Xerox copy of 3 registration cards of Mr.   E. A. NOLAN, 6169 Parish Avenue, New Orleans, La., and Xerox copies of two charge cards of the Parliament House, Baton Rouge, La.

ADMINISTRATIVE

Copies of this report are being furnished to Miami in view of instructions contained in Bureau airtel of 6/28/66 that material possibly to be used as evidence in this case be turned over to Departmental Attorney WALLACE JOHNSON for Defense Attorney  

The information reflected in this case was developed in connection with the investigation entitled "EUGENE ANTHONY NOLAN, et al, IGA", but appears pertinent to captioned investigation.

APPROVED 	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE:	ENCLOSURE ATTACHED	166-1765	150 REC-58
3 - Bureau (166-1765) (Enc. 5)		18 JUL 22 1966	EX-113
33 - Los Angeles (1 - USA, Los Angeles, Attn: AUSA, JOHN LULLY) (Enc. 10)			
2 - Miami (1 - USA, Miami) (Enc. 5)			
1 - New Orleans (168-87)			
DISSEMINATION RECORD OF ATTACHED REPORT		NOTATIONS	
AGENCY		NAME STATUS	
REQUEST RECD.	CC, AAG, Criminal Division, Organized Crime Lettering Section		
DATE FWD.	2524		
HOW FWD.			

57 AUG 2 1966

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7C

## Copy to:

1 - United States Attorney, Los Angeles (Enclosures 10)  
1 - United States Attorney, Miami (Enclosures 5)

## Report of:

SA [REDACTED]

## Office:

NEW ORLEANS

## Date:

July 20, 1966

Field Office File No.: 168-87

Bureau File No.: 166-1765

## Title:

[REDACTED]  
EUGENE ANTHONY NOLAN

## Character:

INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FRAUD BY WIRE

## Synopsis:

Records, Parliament House, Baton Rouge, La., reflect  
Mr. [REDACTED] E. A. NOLAN, 6169 Paris Avenue, Apartment  
79, New Orleans, registered 12/11, 12/19 and 12/25/65.

- RUC -

Enclosed for USA, Los Angeles are 2 copies of three  
registration cards and two copies of two charge cards of the  
Parliament House, Baton Rouge, Louisiana.

Enclosed for USA, Miami are one copy of three registra-  
tion cards and one copy each of two charge cards of the  
Parliament House, Baton Rouge, Louisiana.

DETAILS

## FEDERAL BUREAU OF INVESTIGATION

Date 7/18/66

[redacted] Parliament House Lakeshore Motor Hotel, 1575 North Third Street, made available copies of registration cards dated December 11, 1965, number 30811, December 19, 1965, number 31192, and December 25, 1965, number 31315, all bearing the name "Mr. [redacted] A. E. Nolan, 6169 Paris Ave., New Orleans, La."

[redacted] also made available copies of charge cards which reflect charges to NOLAN from December 11, 1965, through December 14, 1965, and December 26, 1965.

[redacted] was unable to locate a charge card for charges corresponding with the registration card dated December 19, 1965.

[redacted] advised his records reflect the following toll calls were charged to NOLAN on the following listed dates:

DATES

December 14, 1965  
December 26, 1965  
December 26, 1965  
December 26, 1965

CALL MADE TO

[redacted]

On 7/7/66 at Baton Rouge, Louisiana File # NO 162-291

by SA [redacted] :pd/jmc Date dictated 7/9/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURES

TO: DIRECTOR, FBI (166-1765)

FROM: SAC, NEW ORLEANS (168-87)

ENCLOSED FOR THE BUREAU ARE XEROX COPY OF CHARGE  
CARDS AND REGISTRATION CARDS FOR PARLIAMENT HOUSE, BATON  
ROUGE, LA.

ENCLOSURE



166-1765-150

100  
b7C

101-47  
lakeshore motor hotel  
of Baton Rouge

REGISTRATION CARD **Parliament House**  
THIRD STREET • BATON ROUGE, LA.  
348-7111 • AREA CODE 504 • TWX 504-928-3421

[Redacted] *C. A. Nolan*  
*169 Paris Ave*  
*New Orleans,*  
*Louisiana*

ACCOUNT NO.	31192
ROOM	720
RATE	18 <sup>50</sup>
DATE	12-19-65
[Redacted]	
ROOM RACK	ROOM STARTED
BY	BY

PRESENTING  
MONEY, JEWELS AND VALUABLES MUST BE DEPOSITED IN THE OFFICE SAFE.  
OTHERWISE THE PROPRIETOR WILL NOT BE RESPONSIBLE FOR ANY LOSS

REGISTRATION CARD **Parliament House**  
1875 NORTH THIRD STREET • BATON ROUGE, LA.  
TELEPHONE 348-7111 • AREA CODE 504 • TWX 504-928-3421

lakeshore motor-hotel  
of Baton Rouge

NAME *Mr. [Redacted] C. A. Nolan*  
STREET *169 Paris Ave.*  
CITY *New Orleans*

ACCOUNT NO.	31315
ROOM	<del>720</del> 718
RATE	90 <sup>00</sup>
DATE	

30811

CHANGED		
DATE	TO ROOM	NEW RATE

MEMO.	DATE	EXPLANATION	CHARGES	CREDITS	BAL. DUE	PICKUP	ROOM No.
	1					19.06	D -71
	2					19.92	D -71
	3						A -71
	4						A -71
	5					38.98	D -71
	6						D -71
	7					58.04	D -71
	8						D -71
	9						D -71
	10						A -71
	11						
	12						
	13						
	14						
	15						
	16						
	17						
	18						
	19						
	20						
	21						
	22						
	23						
	24						

PAID

46.37

DATE

31315

CHANGED		
DATE	TO ROOM	NEW RATE

MEMO.		DATE	EXPLANATION	CHARGES	CREDITS	BAL. DUE	PICKUP	ROOM NO.
	1	DEC 25-65	ROOM 0000	☆ 90.00				D -711
	2	DEC 26-65	WASSET 0000 TAX	☆ 0.70		☆ 92.70		D -711
	3	DEC 26-65	L'DIST -	☆ 0.70		☆ 1.10	94.10	A -711
	4					94.10	☆ 0.00	
	5						☆ 94.10	
	6	DEC 26-65	L'DIST -	☆ 0.99				B -711
	7	DEC 26-65	- PAID		☆ 94.10	☆ 0.99		B -711
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
	19							
	20							
	21							
	22							
	23							

PAID  
94.10  
0.99



FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

JUL 19 1966

TELETYPE

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

7:56 PM PDT DEFERRED 7-19-66 RAW  
TO DIRECTOR (166-1765) AND MIAMI (166-610)  
ATTENTION FBI LABORATORY  
FROM LOS ANGELES (166-610)

HENRY

E. LOMAN ITWI.

RE MIAMI LETTERS TO FBI LAB DATED JULY TWELVE LAST  
CAPTIONED [REDACTED] AKA. ET AL. ITWI, BUFILE -165-1999  
ONE SIX FIVE - ONE NINE NINE NINE AND LETTER DATED JULY  
FOURTEEN LAST CAPTIONED KENNETH HERBERT HANNA, AKA. ET AL.  
ITAR. ITWI. FBW. BUFILE ONE SIX FIVE - ONE NINE NINE ZERO -165-1990  
AND LOS ANGELES TEL TO BUREAU JULY EIGHTEEN LAST CAPTIONED  
AS ABOVE.

SUBJECTS [REDACTED] AND LOMAN TENTATIVELY  
SCHEDULED FOR TRIAL LOS ANGELES JULY TWENTY FIVE NEXT

END PAGE ONE

10 JUL 26 1966

145  
5-14-66  
Xerox 7/20/66  
322

7-372

PAGE THREE

LA 166-610

LALLY MAY NEED MIAMI AGENTS TO INTRODUCE  AND HANNA  
MATERIAL IF THIS MATTER DEEMED ADMISSIBLE. LOS ANGELES WILL  
ADVISE MIAMI RE THIS.

b6  
b7C

LOS ANGELES WILL ADVISE BUREAU AND MIAMI OF COURT'S  
DECISION RE MOTION TO SUPPRESS.

CHARLOTTE ADVISED AIRMAIL.

~~CORR MIAMI FILE NO SHD B 166-359~~

END.

WA...HFL

FBI WASH DC

MM...PJR

FBI MIAMI

TU CLR

*cc - Mr. Gale*

7-28-66  
CH

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

JUL 27 1966

TELETYPE

FBI LOS ANG.

833 PM PDT URGENT 7-27-66 PLS

TO DIRECTOR (166-1765)

CHARLOTTE

MIAMI

FROM LOS ANGELES (166-462)

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Wick \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

b6  
b7C

HENRY E. LOMAN

ITWI. FBW. OO: LOS ANGELES.

REMYTEL JULY TWENTY SIX LAST.

FEDERAL TRIAL RE LOMAN AND [REDACTED] CONTINUED TODAY  
BEFORE USDJ CARR AND ADJOURNED WITH GOVERNMENT STILL  
PRESENTING CASE. EVIDENCE SEIZED UNDER FEDERAL SEARCH  
WARRANTS IN CONNECTION WITH KENNETH HANNA AND [REDACTED]

[REDACTED] AT MIAMI INTRODUCED AND UNDER CONSIDERATION BY JUDGE  
CARR FOR ADMISSION. FULL TRANSCRIPTS OF CALLS MADE BY [REDACTED]  
UTILIZING BLUE BOX INTRODUCED IN EFFORT TO REFLECT [REDACTED] IN  
BUSINESS AND WAGERING AND BETTING AND THEREFORE PROVE [REDACTED]  
AS AN AGENT OF [REDACTED] IN THIS BUSINESS.

END PAGE ONE

EX-104

REC-26

SEVEN  
(note p2)

166-1765-161

AUG 2 1966

57 AUG 9 1966

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

AUG 11 1966

TELETYPE

Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Wick \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

FBI LOS ANG.

633 PM PDT DEFERRED 8-11-66 EVK

TO DIRECTOR (166-1765), MIAMI

FROM LOS ANGELES (166-462)

[REDACTED] ET AL. ITWI; FBW.

RE LOS ANGELES TELETYPE TO THE BUREAU DATED JULY  
TWENTY-SIX AND TWENTY-EIGHT, LAST.

SUPERSEDING INDICTMENTS REGARDING [REDACTED]

[REDACTED] KAUFMAN, NOLAN, AND [REDACTED]

RETURNED THIS DATE BY FEDERAL GRAND JURY, LOS  
ANGELES. NEW INDICTMENTS WILL CONTAIN WORDS "WILLFULLY  
CAUSED" IN AIDING AND ABETTING COUNTS.

ATLANTA, NEW ORLEANS, BALTIMORE, AND NEWARK  
ADVISED AIR MAIL.

END

WA...RCH

FBI WASH DC

MM...JVV

FBI MIAMI

TU CLR

REC-42

166-1765-163

EX-104

AUG 12 1966

AUG 19 1966

CC-MR. ROSEN

AT 166-182

the country, including the Northern District of Georgia, information assisting in the placing of bets and wagers.

b6  
b7C  
b7D

Los Angeles communication to the Director dated June 21, 1966, reported that defendants [redacted] KAUFMAN, LOMAN, NOLAN, [redacted] all pled not guilty to charges on June 20, 1966, in U.S. District Court, Los Angeles, Judge CHARLES H. CARR presiding. Court ordered that motions to suppress evidence, [redacted]

[redacted] be heard on a.m. of August 1, 1966, and if motion denied, trial will commence on the p.m. of August 1, 1966. The Government was ordered by the court to provide defense counsel [redacted] of [redacted] with all affidavits and copies of all evidence which will be utilized in trial 20 days before trial date. Court further ordered that any evidence not so provided defense at this time, would not be admitted in his court at trial.

Los Angeles is preparing copies of modified [redacted] and other defendants pertaining to gambling matters and will forward them, together with copies of other evidence, to the Miami Division to be delivered to Attorney [redacted] has stated to Assistant U.S. Attorney LALLY, Los Angeles, that he will personally arrange for distribution to other defense attorneys as required.

Los Angeles communication to Atlanta and other offices dated June 1, 1966, requested all offices to review toll calls relating to subjects in this matter to determine if there is common telephone travel between other subjects in this case, particularly during December, 1965. The communication reported that the Assistant U.S. Attorney, Los Angeles, requested this information to round out possible conspiracy as to all subjects.

Atlanta communication to Los Angeles and Miami dated June 1, 1966, reported that a review of toll calls as to subject [redacted] reflects the following calls during the period October 31, 1965, to February 8, 1966, all of which calls were charged to [redacted] telephone number [redacted] listed to [redacted] [redacted] which telephone is in [redacted] residence, located on the same property as [redacted] residence.

OFFICE MEMORANDUM  
UNITED STATES GOVERNMENT

TO: DIRECTOR, FBI (166-1765)

DATE: 8/31/66

FROM: SAC, NEWARK (166-553)

SUBJECT: [REDACTED]

aka.;  
ET AL

PTAR-GAMBLING

RE: New York airtel to Newark 6/21/66

Enclosed for New York and Los Angeles are 10 copies each of an FD-302 naming subscribers to New Jersey telephone numbers which appeared in an address book belonging to [REDACTED] when arrested by Bureau Agents in New York City, on 5/25/66.

For the benefit of the Bureau, Las Vegas, and Miami, the following information from Newark files is set out under headings in accordance with notations in [REDACTED] book.

201-224-2141 [REDACTED] Deposit)

Subscriber to this number is A A ADJUSTERS, 2 Horizon Road, Fort Lee, New Jersey.

- 3 - Bureau
  - (1 - [REDACTED])
- 2 - New York (166-1192) (Encs. 10)
  - (1 - [REDACTED])
- 2 - Los Angeles (166-462) (Encs. 10)
- 2 - Miami (166-359)
- (1 - [REDACTED])
- 2 - Las Vegas
  - (1 - [REDACTED])
- 5 - Newark
  - (1 - [REDACTED])
  - (1 - [REDACTED])
  - (1 - [REDACTED])

JPW:hds  
(16)

REC-26 EX-103

166-1765-168

1 SEP 1 1966

UNRECORDED COPY FILED IN 92-6324-1

9/15  
NR  
Pam  
Bancroft  
fyp

let to LA  
9-19-66  
PGB:claa

100dvo

Classified  
(1571)

NK 166-553

[redacted]  
Subscriber to this number is [redacted]  
[redacted]

Newark indices negative re [redacted] A separate case file has been opened to determine if [redacted] is involved in gambling. [redacted]

[redacted]  
Subscriber to this number is [redacted]

[redacted] Newark files indicate that [redacted] whose address was last known to be [redacted] and of [redacted] who has resided at the [redacted] address. [redacted] FBI [redacted] has been described by many sources as a prominent gambling figure in the area of Hudson County, New Jersey. He is the subject of Newark File [redacted] wherein it is noted that in 1963 [redacted] As was reported in the case entitled "KENNETH HERBERT HANNA, aka. ITAR; ITWI; FEW", BuFile 165-1990, [redacted] was interviewed by Bureau Agents in Miami on 9/28/65. Basis for the interview was information that [redacted] and HANNA were engaged in a gambling partnership. [redacted] disclaimed any knowledge of HANNA's gambling activities and stated that he had no connection with HANNA in any such activities. He acknowledged arrests in Jersey City for gambling in 1948 and 1954. It is not believed that an interview of [redacted] concerning captioned matter would be productive.

[redacted]  
Subscriber to this number is [redacted]  
[redacted]

[redacted] FBI [redacted] is the subject of an Anti-Racketeering investigation, BuFile [redacted] NY File [redacted] [redacted] has been described as a frequent companion to [redacted] It is not believed that an interview of [redacted] concerning captioned matter would be productive, however, the decision to do so is being left to the New York Office, origin in the [redacted] case.

F B I

Date: 8/29/66

b6  
b7cTransmit the following in \_\_\_\_\_  
(Type in plain text or code)Via AIRTEL AIR MAIL  
(Priority)

TO: DIRECTOR, FBI (166-1765)  
 FROM: SAC, LOS ANGELES (166-462)(P)  
 RE: [REDACTED]

[REDACTED]  
 THOMAS MILTON BOYD

[REDACTED]  
 HERBERT KAUFMAN

- 3 - Bureau (166-1765)  
 2 - Atlanta (166-182)(AM)  
     (165-21)  
 1 - Baltimore (166-447)(AM)  
 1 - Charlotte (162-185)(AM)  
 1 - Memphis (166-329)(AM)  
 1 - Miami (166-359)(AM)  
 1 - Newark (166-553)(AM)  
 1 - New Orleans (168-87)(AM)  
 11 - Los Angeles  
     (2 - 166-462)  
     (1 - 166-607)  
     (1 - 166-608)  
     (1 - 166-609)  
     (1 - 166-610)  
     (1 - 166-611)  
     (1 - 166-612)  
     (1 - 166-613)  
     (1 - 166-614)  
     (1 - 165-1592)

TLD/mjg  
 (22)

REC-82

EX-110

AUG 31 1966

Approved: *[Signature]*

Sent \_\_\_\_\_ M Per \_\_\_\_\_

62 SEP 19 1966

Special Agent in Charge



LA 166-462

[REDACTED]  
HENRY E. LOMAN

[REDACTED]  
EUGENE ANTHONY NOLAN

[REDACTED]  
INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FRAUD BY WIRE

AUSA JOHN LALLY, Los Angeles, on 8/24/66, advised that a Notice of Appeal by defense counsel in the case captioned, [REDACTED] HENRY E. LOMAN" was filed on 8/19/66. As previously advised, charges against [REDACTED] were dismissed because of defective indictment and a directed verdict of acquittal was granted in favor of LOMAN based on the Government's failure to establish him in the business of wagering and betting. [REDACTED] received 1 year suspended sentence; \$2,000 fine, and 1 year probation.

AUSA LALLY advised that the remaining cases were off calendar pending the results of this appeal.

With reference to the Fraud By Wire violations, AUSA LALLY advised there would be no further action until the Government's appeal to the Supreme Court on the applicability of the Fraud By Wire statute to the use of the electronic device known as the Blue Box was adjudicated.

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI

DATE: 9/21/66

FROM : SAC, LOS ANGELES (166-516)(P\*)

SUBJECT: GRAY HOFFMAN

FBW

OO: LOS ANGELES

On 6/15/66, U. S. District Judge, IRVING HILL, Los Angeles, California, ruled that the Fraud By Wire Statute, Title 18, Section 1343, U. S. Code was not intended to cover frauds perpetrated against the telephone company to deprive it of its revenue. In view of this, Judge HILL ordered the indictment against subject dismissed.

Assistant U. S. Attorney JOHN LALLY, Los Angeles, advised that they would seek permission from the Department of Justice to file an appeal on the above decision.

On 7/21/66, Assistant U. S. Attorney LALLY stated he had been advised by the Department of Justice that his request for appeal on the Fraud By Wire charge is now pending before the Solicitor General.

In view of Judge HILL's decision and the appeal filed by the U. S. Attorney's office, Los Angeles, this case is being placed in a pending inactive status. The Bureau will be kept advised of future developments in this matter.

② - Bureau  
2 - Los Angeles  
CHH/mjg  
(4)

REC- 82

EX-102

166-1765-170

15 SEP 22 1966

54 SEP 30 1966

36

*[Handwritten signature]*

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI

DATE: 9/27/66

FROM : *[Signature]* SAC, LOS ANGELES (166-516)(P\*)

Attn: Identification  
Division

SUBJECT: GRAY HOFFMAN  
FBW

OO: Los Angeles

Enclosed for the Identification Division is one  
disposition sheet for GRAY HOFFMAN.

(3 - Bureau (Encl. 1)  
2 - Los Angeles

CHH/ph  
(5)

1- ENCLOSURE

166-1765-

NOT RECORDED

18 SEP 28 1966

*[Handwritten initials]*  
ONE / *[Handwritten initials]*  
SIX

334

61 OCT 3 1966

*84 handled in Ident. 9-29-66 CDE*

UNITED STATES GOVERNMENT

# Memorandum

b6  
b7c

TO : DIRECTOR, FBI (166-1765)

DATE: 9/23/66

FROM : *WAM/RS* SAC, LOS ANGELES (166-534) (P\*)

SUBJECT: VIRGIL HAL SALATHIEL *NR.*  
FBW

OO: Los Angeles

*st*  
Rerep of SA [redacted] at Los Angeles, 6/1/66;  
report of SA [redacted] dated 6/1/66 at Dallas; Los Angeles  
teletypes to Bureau, 6/6/66, and 7/8/66.

Subject was indicted on 6/6/66 by FGJ, Los Angeles,  
on three counts Fraud By Wire. U. S. District Judge IRVING  
HILL, Los Angeles, has ruled in a similar case involving  
[redacted] that use of the "blue box" does not  
fall within the interpretations of the Fraud By Wire  
Statutes. Assistant U. S. Attorney John F. Lally, Los Angeles  
has been advised by the Department of Justice that their  
request for appeal in the FBW aspects of the [redacted]  
case is pending before the Solicitor General.

Judge CHARLES CARR, U. S. District Court, Los Angeles,  
has granted a motion filed by subject's attorney that  
further prosecutive action be precluded in this matter  
until the appellate status of the [redacted] case is  
resolved. *J*

Since subject's trial has been placed off the  
calendar pending settlement of the [redacted] appeal, this  
case is being placed in a pending inactive status.

2 - Bureau  
2 - Los Angeles

JRF/jt  
(4)

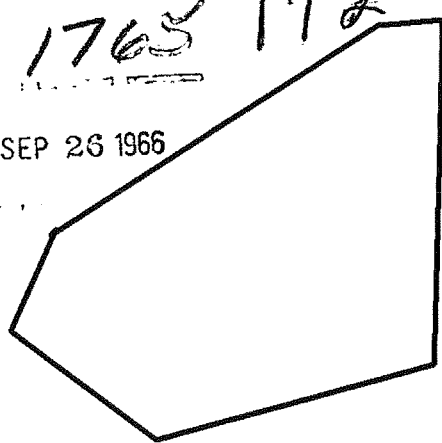
REC- 13

EX-110

SEP 26 1966

*960*  
590C14 1966

*166-1765 192*



## FEDERAL BUREAU OF INVESTIGATION

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b7c

REPORTING OFFICE LOS ANGELES	OFFICE OF ORIGIN LOS ANGELES	DATE 9/30/66	INVESTIGATIVE PERIOD 6/1/66 - 9/22/66
TITLE OF CASE  JOSEPH PETER SOLDIS; CARL LOVELACE CLEMENT  NT		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 1.2em;"></div>	TYPED BY rgd
		CHARACTER OF CASE  FBW	

REFERENCES: Report of SA  dated 6/1/66,  
at Los Angeles.  
Atlanta letter to Los Angeles dated 8/23/66.  
Boston letter to Los Angeles dated 9/16/66.

- P -

ENCLOSURESTO BUREAU

One disposition sheet concerning JOSEPH PETER SOLDIS.  
One disposition sheet concerning CARL LOVELACE CLEMENT.

Case has been pending over one year ☐ Yes ☒ No; Pending prosecution over six months ☐ Yes ☒ No

APPROVED

SPECIAL AGENT  
IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

- 3 - Bureau (Encls. 2)  
1 - USA, Los Angeles  
2 - Los Angeles (166-507)

10 OCT 1966

REC- 58

EX-108

## Dissemination Record of Attached Report

Notations

Agency	CC, AAG	Criminal Division,
Request Recd.	Organized Crime	Consolidating Section
Date Fwd.	Room 2524	
C. Fwd.		

STAT. SECT.

 2-DISPOSITION SHEET DETACHED  
AND HANDLED SEPARATELY

LA 166-507

b6  
b7C

ADMINISTRATIVE

The period of this report dates from 6/1/66, because the complaint was dismissed on 6/15/66, and on 7/21/66, AUSA JOHN F. LALLY advised he desires prosecution on this case be held in abeyance pending the results of the appeal before the Supreme Court in the [REDACTED] case.

Efforts to obtain telephone information were continued after the complaints were dismissed because information concerning telephone subscribers is frequently not available following the disconnection of a telephone. Additional investigation will not be conducted before the outcome of the [REDACTED] case becomes known and the desires of the U. S. Attorney are obtained. The case will be retained in a pending status because there is an outstanding lead in the Newark Division.

LEAD

LOS ANGELES

AT LOS ANGELES, CALIFORNIA: Will follow investigation being conducted by Newark Division and when results received consider placing this case in a pending inactive status.

- B\* -  
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7c

Copy to: 1 - USA, Los Angeles

Report of: [REDACTED]

Office: Los Angeles, California

Date: 9/30/66

Field Office File #: 166-507

Bureau File #:

Title: JOSEPH PETER SOLDIS;  
CARL LOVELACE CLEMENT

Character: FRAUD BY WIRE

Synopsis: Identity of subscribers to telephones called from a telephone listed to Escoa Corporation at time a tone device was used on the Escoa Corporation telephone obtained. AUSA, Los Angeles, desires prosecution in this case be held in abeyance pending the results of the appeal before the Supreme Court in the [REDACTED] case. Complaints filed against SOLDIS and CLEMENT dismissed, 6/15/66. Disposition sheet submitted.

- P -

DETAILS:

On June 16, 1966, [REDACTED]  
[REDACTED] New England Telephone and Telegraph Company, 60 Batterymarch Street, Boston, Massachusetts, advised IC [REDACTED] that telephone number 617-774-6550 was listed to the Village Green Motor Inn, Route 1, Danvers, Massachusetts.

On September 13, 1966, [REDACTED] Village Green Motor Inn, Route 1, Danvers, Massachusetts, furnished the following information:

LA 166-507

As previously reported a tone device was used on telephone number 772-5163 listed to Iscoa Corporation for calls made to telephone number [REDACTED] on April 14, 1966, and [REDACTED] on April 13, 1966.

On July 21, 1966, Assistant U. S. Attorney JOHN F. LALLY advised he desires prosecution on this case be held in abeyance pending the results of the appeal before the Supreme Court in the [REDACTED] case.

The complaints filed against SOLDIS and CLEMENT were dismissed on June 15, 1966.

Disposition sheet submitted.

b6  
b7C



FBI

Date: 10/27/66

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via AIRTEL AIR MAIL  
(Priority)

TO: DIRECTOR, FBI (166-1765)

FROM: SAC, LOS ANGELES (166-462) (P\*)

RE:   
  
THOMAS MILTON ROYD *NA*  
  
HERBERT KAUFMAN *NA*b6  
b7c

- ③ - Bureau (166-1765)  
 2 - Atlanta (166-182) (AM)  
     (1 - 165-21)  
 1 - Baltimore (166-447) (AM)  
 1 - Charlotte (162-185) (AM)  
 1 - Dallas (AM)  
 1 - Memphis (166-329) (AM)  
 1 - Miami (166-359) (AM)  
 1 - Newark (166-553) (AM)  
 1 - New Orleans (168-87) (AM)  
 11 - Los Angeles  
     (2 - 166-462)  
     (1 - 166-607)  
     (1 - 166-608)  
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     (1 - 165-1592)

TLD/mjg  
(23)

REC-32

166-165-177

EX-113

OCT 31 1966

56 NOV 8 1966

C.C. Wick  
Approved: *[Signature]*

Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

LA 156-462

[REDACTED]  
HENRY E. LOMAN *W R*

[REDACTED]  
EUGENE ANTHONY NOLAN *cr on 31-(9-19)*

[REDACTED]  
[REDACTED] *U L E B*  
INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FRAUD BY WIRE

Re Los Angeles airtel to Bureau 8/29/66.

As indicated in referenced airtel, no additional activity is anticipated in the above cases until appropriate reviews have been completed by the U. S. Supreme Court.

In view of this, all cases stemming from the Blue Fox investigation are being placed in a pending inactive status in the Los Angeles Division.

With reference to [REDACTED] it will be recalled he is currently in a fugitive status and as of 9/27/66, Legat London advised he was currently residing in [REDACTED]. In view of this, UACB, the case concerning [REDACTED] will also be placed in a pending inactive status. It is noted appropriate stops have been placed to insure [REDACTED] *advised 3-1-67*

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>11/23/66</b>	INVESTIGATIVE PERIOD <b>10/17 - 11/21/66</b>
TITLE OF CASE  <b>JOSEPH PETER SOLDIS; CARL LOVELACE CLEMENT</b>		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 20px;"></div>	TYPED BY <b>jt</b>
		CHARACTER OF CASE  <b>FBW</b>	

REFERENCES: Report of SA  dated 9/30/66, at Los Angeles.  
Newark letter to Los Angeles, dated 10/27/66.

- P\* -

ADMINISTRATIVE

On 7/21/66, AUSA JOHN F. LALLY advised he desires prosecution on this case be held in abeyance pending the results of the appeal before the Supreme Court in the  case. Additional investigation will not be conducted before the outcome of the  case becomes known and this case is being placed in a pending inactive status.

Case has been pending over one year ☐ Yes ☒ No; Pending prosecution over six months ☐ Yes ☒ No

APPROVED <div style="border: 1px solid black; width: 100px; height: 40px;"></div>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: <b>3 - Bureau (166-1765)</b> <b>1 - USA, Los Angeles</b> <b>2 - Los Angeles (166-507)</b>		<b>166-1765-178</b>	<b>REC-42</b>
		<b>15 NOV 25 1966</b>	<b>EX-110</b>
Dissemination Record of Attached Report		Notations	
Agency	<b>Crim Div Dept</b>	<div style="border: 1px solid black; width: 150px; height: 100px; transform: rotate(-45deg); display: flex; align-items: center; justify-content: center;"> <div style="transform: rotate(45deg);"> <b>RECEIVED</b>  <b>INVESTIGATIVE</b>  <b>SECTION</b> </div> </div>	
Request Recd.	<b>1cc Rept</b>		
Date Fwd.	<b>12-7-66</b>		
How Fwd.	<b>C-6</b>		
By	<div style="border: 1px solid black; width: 80px; height: 20px;"></div>		

LA 166-507

LEAD

LOS ANGELES

AT LOS ANGELES, CALIFORNIA:

Will await appeal results.

- B\* -

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7c

Copy to: 1 - USA, LOS ANGELES

Report of: [REDACTED]

Office: Los Angeles, California

Date: 11/23/66

Field Office File #: 166-507

Bureau File #: 166-1765

Title: JOSEPH PETER SOLDIS;  
CARL LOVELACE CLEMENT

Character: FRAUD BY WIRE

Synopsis:

[REDACTED] advised he was contacted by telephone by the Escoa Corporation but does not know anyone personally in that firm. He never accepted any employment by Escoa.

- P\* -

DETAILS

LA 166-507

On October 17, 1966, [redacted]  
[redacted] furnished the following information to SA [redacted] and SA [redacted]:

He is a self-employed [redacted] in the [redacted] field. He has been contacted by telephone on a few occasions by the Escoa Corporation, which he described as a firm which lines up engineers for various jobs on a commission basis. He knows no one personally in the Escoa firm. He could not recall the names of SOLDIS or CLEMENT. He never accepted any employment arranged by the Escoa Corporation and the limit of his association with the firm has been the contacts made with him by telephone.

[redacted] advised he was in Massachusetts in April, 1966, and believes he was called by the Escoa Corporation while there. He could not recall the name of the person with whom he talked.

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 120

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Page 89 ~ b3, b6, b7C  
Page 90 ~ b3, b6, b7C  
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Page 94 ~ b3, b6, b7C  
Page 95 ~ b3, b6, b7C  
Page 96 ~ b3, b6, b7C  
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Page 102 ~ b3, b6, b7C  
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Page 104 ~ b3, b6, b7C  
Page 105 ~ b3, b6, b7C  
Page 106 ~ b3, b6, b7C  
Page 135 ~ b3 Rule 6(e), Fed. R. Crim. P., b6, b7C  
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## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE LOS ANGELES	OFFICE OF ORIGIN LOS ANGELES	DATE 5/31/67	INVESTIGATIVE PERIOD 3/23/67 - 5/22/67
TITLE OF CASE JOSEPH PETER SOLDIS; CARL LOVELACE CLEMENT		REPORT MADE BY <div style="border: 1px solid black; width: 100px; height: 15px;"></div>	TYPED BY kaf
		CHARACTER OF CASE  FBW	

REFERENCES: Los Angeles airtel to Detroit dated 3/30/67.  
 Detroit airtel to San Francisco dated 4/6/67.  
 San Francisco airtel to Los Angeles dated 4/12/67.

- P -

ADMINISTRATIVE

For the information of the Bureau, AUSA STEVEN D. MILLER, U.S. Attorney's Office, Los Angeles, California, who was handling this case, has resigned. When the case has been re-assigned to another AUSA, further contacts will be made concerning prosecutive opinion.

Case has been: Pending over one year ☒ Yes ☐ No; Pending prosecution over six months ☐ Yes ☒ No

APPROVED <i>WSP</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
COPIES MADE: 3 - Bureau (166-1765) 1 - USA, Los Angeles 2 - Los Angeles (166-507)		166-1765-1200 JUN 5 1967 REG-A EX-113
Dissemination Record of Attached Report		Notations
Agency	Dept	<div style="border: 1px solid black; width: 100px; height: 100px; transform: rotate(-15deg); display: flex; align-items: center; justify-content: center;"> <div style="transform: rotate(-45deg);">SEARCHED</div> <div style="transform: rotate(45deg);">SERIALIZED</div> </div>
Request Recd.	1	
Date Fwd.	6-7-67	
How Fwd.	0-6 361	
By	SFM:jh	

67 JUN 14 1967

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Los Angeles

Report of:  
Date:

[REDACTED]  
5/31/67

Office: Los Angeles, California

b6  
b7C

Field Office File #: 166-507

Bureau File #: 166-1765

Title: JOSEPH PETER SOLDIS;  
CARL LOVELACE CLEMENT

Character: FRAUD BY WIRE

Synopsis: In March, 1967, AUSA STEVEN D. MILLER advised that he planned to present facts of cases involving CARL LOVELACE CLEMENT and [REDACTED] to FGJ on 4/13/67, in an effort to obtain an indictment to test the applicability of the Fraud by Wire Statute concerning the use of multi-frequency tone devices. [REDACTED]

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[REDACTED]  
On 4/13/67, AUSA MILLER stated that after he reviews reports concerning CLEMENT and [REDACTED] he will present additional information to the Grand Jury. [REDACTED]  
[REDACTED]

- P -

DETAILS

On March 23, 1967, SA's [REDACTED] and [REDACTED] met with Assistant United States Attorney STEVEN D. MILLER, United States Attorney's Office, Federal Building, Los Angeles, California, for the purpose of discussing cases involving JOSEPH PETER SOLDIS, CARL LOVELACE CLEMENT and [REDACTED] MILLER stated that he had

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not had an opportunity to review previously submitted reports concerning SOLDIS, CLEMENT and [ ] but based on his knowledge of the cases, he planned to present facts involving CLEMENT and [ ] to the Federal Grand Jury on April 13, 1967, in an effort to obtain an indictment to test the applicability of the Fraud by Wire Statute concerning the use of multi-frequency tone devices.

On April 12, 1967, SA's [ ] and [ ] again met with Assistant United States Attorney STEVEN D. MILLER. MILLER stated that he had not yet reviewed reports submitted concerning CLEMENT and [ ]. He stated, however, that he wished to make a preliminary presentation concerning the use of multi-frequency tone devices to the Federal Grand Jury on April 13, 1967.

[ ]

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On April 13, 1967, Assistant United States Attorney MILLER advised SA's [ ] that after he has reviewed reports concerning CLEMENT and [ ] he will consider presenting the facts to the Federal Grand Jury in an effort to indict CLEMENT and [ ] for violation of the Fraud by Wire Statute in connection with their use of the multi-frequency tone device.

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[ ] advised SA [ ] on April 6, 1967, that [ ] then resided at [ ]

b6  
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## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>6/21/67</b>	INVESTIGATIVE PERIOD <b>3/23/67 - 6/19/67</b>
TITLE OF CASE <b>[REDACTED] aka</b>		REPORT MADE BY <b>SA [REDACTED]</b>	TYPED BY <b>llm</b>
		CHARACTER OF CASE  <b>ITAR; FBW</b>	

REFERENCES:

Seattle letter to Los Angeles dated 7/20/66.  
Report of SA [REDACTED] at Los Angeles dated 8/15/66.

- P -

ADMINISTRATIVE

For the information of the Bureau, AUSA STEVEN D. MILLER, USA's Office, Los Angeles, California, who was handling this case has resigned. When the case has been reassigned to another AUSA, further contacts will be made concerning prosecutive opinion.

The period of this report includes frequent contacts with the USA's Office to determine reassignment, the latest contact being made on 6/19/67.

Case has been: Pending over one year ☐ Yes ☐ No; Pending prosecution over six months ☐ Yes ☐ No

APPROVED

SPECIAL AGENT  
IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

- 3 - Bureau (166-1765)  
1 - USA, Los Angeles  
2 - Seattle (166-172)  
2 - Los Angeles (166-505)

166-1765-201

REC 36

EX 108

JUN 22 1967

## Dissemination Record of Attached Report

Notations

Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

CC, AAG, Criminal Division,  
Organized Crime & Racketeering Section

62 JUN 29 1967

6/27/67

STAT. SECT.  
SLOAN

LA 166-505

LEADS

SEATTLE

AT RENTON, WASHINGTON: Attempt to locate and interview [redacted] (ph) concerning a four minute, fifty second telephone call from [redacted] on 11/1/65 received at telephone number [redacted] previously determined to be subscribed to by the [redacted] second floor.

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LOS ANGELES

AT LOS ANGELES, CALIFORNIA: Will maintain contact with the USA's Office concerning the presentation of the case to the Federal Grand Jury.

- B\* -  
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Los Angeles

Report of: SA [REDACTED]  
Date: 6/21/67Office: Los Angeles, California b6  
b7C

Field Office File #: 166-505

Bureau File #: 166-1765

Title: [REDACTED]

Character: INTERSTATE TRANSPORTATION IN AID OF RACKETEERING;  
FRAUD BY WIRE

Synopsis: In March, 1967, AUSA STEVEN D. MILLER advised that he planned to present facts of the cases involving [REDACTED] and CARL LOVEFACE CLEMENT to FGJ on 4/13/67 in an effort to obtain an indictment to test the applicability of the Fraud by Wire statute concerning the use of multi-frequency tone devices. [REDACTED]

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b6  
b7C[REDACTED]  
On 4/13/67 AUSA MILLER stated that after he reviews reports concerning [REDACTED] and CLEMENT he will present additional information to the FGJ. [REDACTED]  
[REDACTED]

- P -

DETAILS:

On March 23, 1967, SA's [REDACTED] and [REDACTED] met with Assistant United States Attorney STEVEN D. MILLER, United States Attorney's Office, Federal Building, Los Angeles, California, for the purpose of discussing cases involving JOSEPH PETER SOLDIS, CARL LOVEFACE CLEMENT, and [REDACTED] MILLER stated that he had not had an

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LA 166-505

opportunity to review previously submitted reports concerning SOLDIS, CLEMENT, and [ ] but based on his knowledge of the cases, he planned to present facts involving CLEMENT and [ ] to the Federal Grand Jury on April 13, 1967, in an effort to obtain an indictment to test the applicability of the Fraud by Wire statute concerning the use of the multi-frequency tone devices.

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On April 12, 1967, SA's [ ] and [ ] again met with Assistant United States Attorney STEVEN D. MILLER. MILLER stated that he had not yet reviewed reports submitted concerning CLEMENT and [ ]. He stated, however, that he wished to make a preliminary presentation concerning the use of multi-frequency tone devices to the Federal Grand Jury on April 13, 1967.

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[ ]

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On April 13, 1967, Assistant United States Attorney MILLER advised SAs [ ] that after he has reviewed reports concerning CLEMENT and [ ] he will consider presenting the facts to the Federal Grand Jury in an effort to indict CLEMENT and [ ] for violation of the Fraud by Wire statute in connection with their use of the multi-frequency tone device.

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LA 166-505

[redacted] was present at [redacted] residence and was also arrested. [redacted] was prosecuted by the Orange County District's Attorney's Office and plead guilty to a misdemeanor charge of wiretapping.

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[redacted] stated that he is acquainted with JOE SOLDIS and CARL CLEMENT but is not aware of either of them owning or using a "blue box".

TABLE OF AUTHORITIES CITED

<u>Cases</u>	<u>Page</u>
[redacted] v. United States, 355 U.S. 96 (1957)	4, 5, 6
Invest. of Tel. Corp. 64 Cal. P. U. C. 526 (1965)	9, 11
[redacted] v. United States 302 U.S. 379 (1937)	5, 6, 8
People v. [redacted] 5 N. Y. S. 2d 500, 158 N. E. 2d 817 (1959)	9
People v. [redacted] 240 Cal. App. 2d 621, 49 Cal Rptr. 892 (1966)	9
[redacted] v. United States 355 U.S. 107 (1957)	4, 6, 7, 11
United States v. Hanna 260 F. Supp. 430 (1966)	11
United States v. [redacted] 223 F. Supp. 623 (1963)	8, 9
United States v. [redacted] 226 F. 2d 281 (1955)	11, 12

Codes

## California Penal Code:

§619	4, 9, 10
§640	4, 9, 10
§641	9
§653	4, 10
§653j	9, 10
§653j(e)	10
§653j(f)	10

utility, pursuant to its tariffs.

The telephone company tariffs in effect in California during the period Appellant's phones were tapped permit monitoring with the consent of one of the parties to a conversation. However, even where such consent is granted, automatic tone warning devices are required in order to give notice that the conversation is being recorded, and all telephone directories are required to explain the use of such automatic tone. Investigation of Tel. Corps., 64 P. U. C. 526 (Cal. 1965) (R. 14-21).

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The District Court ruled the case of United States v. [REDACTED] 226 F.2d 281 (1955) required the admission of the intercepted telephone conversations in the present case (R. 99). See also United States v. Hanna, 260 F. Supp. 430 (1966). The [REDACTED] case dealt with an entirely different aspect of §605. In the [REDACTED] case, the Federal Communications Commission in monitoring radio broadcasts by the defendants learned of evidence of a violation of the immigration laws of the United States. Part of the broadcasts monitored were during a period of time when the defendants were unlicensed. The Court stated that the protection of §605 did not extend to any broadcasts during the period in which no license was in evidence.

However, the degree of privacy referred to in the [REDACTED] case does not exist with respect to radio broadcasts, whether licensed or unlicensed. Further, the Court in the [REDACTED] case, stated:

"The government must concede that if the facts were the same save that [REDACTED] had tapped the [REDACTED] telephone line and obtained the same information without

# TABLE OF AUTHORITIES

<u>Cases</u>	<u>Page</u>
Ambassador, Inc. v. United States, 325 U.S. 317 (1945)	14
[REDACTED] v. United States, 355 U.S. 96 (1957)	6
[REDACTED] v. United States, 191 F.2d 1 (9th Cir. 1951), reversed on other grounds, 343 U.S. 808 (1952)	8, 9, 10
[REDACTED] v. United States, 316 U.S. 129 (1942)	6, 13
Hush-A-Phone Corp. v. United States, 238 F.2d 266 (D.C. Cir. 1956)	14
[REDACTED] 91 F.2d 700 (5th Cir. 1937), cert. den. 302 U.S. 729 (1937)	18
People v. [REDACTED] 237 Cal.App. 2d 677, 47 Cal.Rptr. 83	20
People v. [REDACTED] (1946), 28 Cal. 2d 657, 171 P.2d 1	20, 21
[REDACTED] v. United States, 355 U.S. 107 (1957)	7, 11
Southwestern Bell Telephone Co. v. Dialite Dial Co., 102 F.Supp. 872 (W.D. Okla. 1951)	15
State v. [REDACTED] 142 Atl.2d 609 (Sup. Ct. N.J. 1958)	10, 13
United States v. [REDACTED] 259 F.Supp. 567 (N.D. Georgia, 1965)	7
United States v. [REDACTED] 123 F.2d 229 (2nd Cir. 1941)	19
United States v. Hanna, 260 F.Supp. 430 (S.D. Florida, 1966)	7
United States v. [REDACTED] 226 F.2d 281 (9th Cir. 1955), aff'd per curiam, 351 U.S. 916 (1956)	7, 8, 9, 10, 17, 18

privacy to illegal users would violate the intent of the act since their conduct is detrimental, rather than beneficial, to the integrity of the system.

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In approaching the question of whether appellant's illegal transmissions were entitled to the privacy guaranteed by Section 605, that Section "must be interpreted in the light of reason and common understanding to reach the results intended by the legislature". [REDACTED] v. United States, 355 U. S. 107, 109 (1957). When so applied to the facts of this case it is clear that the Congress never intended to protect trespassers on the communication system with a mantle of privacy.

Insofar as appellee has been able to ascertain the precise question presented by this case has not been passed upon by any Federal Appellate Court. There have been several District Court rulings denying motions to suppress evidence based upon similar factual situations. Among them are the recently reported opinions in United States v. [REDACTED] (N. D. Georgia, 1965), 259 F. Supp. 567 and United States v. Hanna, 260 F. Supp. 430 (S. D. Florida, 1966).

This Court, in United States v. [REDACTED] 226 F.2d 281 (9th Cir. 1955), affirmed per Curiam, 351 U. S. 916 (1956), passed upon a situation bearing a close factual similarity. That case involved a conspiracy to violate the immigration laws through the importation of wetbacks for employment on the defendant's farm. The District Court had suppressed evidence consisting of recordings and notations of radio messages transmitted by defendant obtained by an engineer of the Federal Communications Commission who

b6  
b7CMr. Fred M. Vinson, Jr.  
Assistant Attorney General

July 25, 1967

Director, FBI

1 - Mr. Gale

1 - [REDACTED]

1 - [REDACTED]

BP  
THOMAS MILTON BOYD

STANLEY MARVIN GERSTENFELD

[REDACTED]  
ELECTRONIC SURVEILLANCE

Reference is made to your memorandum dated July 14, 1967.

On the basis of identifying data provided by the Department concerning captioned individual(s), a review has been made of appropriate records. ~~(He was)~~ (They were) not the subject(s) of a direct microphone surveillance nor were any of ~~(him)~~ (their) conversations monitored by an electronic device of the FBI.

It is suggested that other Federal investigative agencies be contacted to determine if they had coverage of the subject(s).

Additional details regarding the remaining subjects of your inquiry will be forwarded under separate cover.

NOTE: The Department's memorandum dated 7/14/67 requested electronic surveillance checks on 56 names involving 21 field offices. Positive information is being furnished by our Philadelphia, Little Rock, and New Orleans Offices and will be forwarded to the Department as received.

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Wick \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

FJS:sga  
(6) sga

MAILED 12

JUL 25 1967

COMM-FBI

REC-34

EX 101

166-1765 206

JUL 26 1967

MAIL ROOM

PE UNIT

UNREC COPY FILED IN 165-1103, 165-42, 165-1344, 166-1894, 165-1528, 165-402

UNITED STATES GOVERNMENT

# Memorandum

b6  
b7C

TO : DIRECTOR, FBI (166-1765)

DATE: 9/29/67

FROM : SAC, LOS ANGELES (166-507)

SUBJECT: JOSEPH PETER SOLDIS;  
CARL LOVELACE CLEMENT  
FRAUD BY WIRE

Re report of SA [redacted] dated 5/31/67,  
at Los Angeles.

On 8/9/67, AUSA BYRON KOHN, U. S. Attorney's  
office, Los Angeles, California, advised that he anticipated  
presenting additional information concerning captioned case  
and a case captioned, [redacted] aka. ITAR;  
Fraud By Wire, " LA file [redacted] Bufile [redacted] on 8/18/67.

Following the Grand Jury hearings on 8/18/67,  
AUSA KOHN requested additional interviews of potential  
witnesses and dates concerning certain information recorded  
by the Pacific Telephone Company, Los Angeles. On 8/22/67,  
AUSA KOHN requested that additional telephone conversations  
involving SOLDIS and CLEMENT, which was recorded by the  
Pacific Telephone Company be transcribed. He also stated  
that USA BYRNE is reluctant to indict in these cases at  
this time, but that he, KOHN, plans to complete the work on  
the case and again discuss the indictment with USA BYRNE.

② - Bureau  
4 - Los Angeles  
(2 - 166-505)  
BFJ/mjg  
(6)

REC 54

EX-108

166-1765-213  
8 OCT 3 1967

57 OCT 11 1967

## FEDERAL BUREAU OF INVESTIGATION

b6  
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REPORTING OFFICE LOS ANGELES	OFFICE OF ORIGIN LOS ANGELES	DATE 11/8/67	INVESTIGATIVE PERIOD 5/31/67 - 11/1/67
TITLE OF CASE JOSEPH PETER SOLDIS; CARL LOVELACE CLEMENT		REPORT MADE BY [REDACTED]	TYPED BY rah
		CHARACTER OF CASE  FBW	

REFERENCES: Report of SA [REDACTED] dated 5/31/67 at Los Angeles.  
Los Angeles airtels to Dallas dated 7/13/67 and 8/11/67.  
Dallas airtel to Los Angeles dated 8/15/67.

- P\* -

ADMINISTRATIVE

The period of this report includes frequent contact with AUSA's Office, Los Angeles, for the purpose of determining prosecutive action contemplated by the U. S. Attorney.

On 10/19/67, this case was submitted to U. S. Attorney W. MATTHEW BYRNE, Jr. Mr. BYRNE decided that an indictment in this case should be held in abeyance until a ruling is made by the

ACCOMPLISHMENTS CLAIMED <i>None</i>						ACQUIT-TALS	CASE HAS BEEN:
CONVIC	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
APPROVED <i>[Signature]</i>						SPECIAL AGENT IN CHARGE	
COPIES MADE:						DO NOT WRITE IN SPACES BELOW	
③ Bureau (166-1765) 1 - USA, Los Angeles 2 - Los Angeles (166-507)						166 - 1765 - 223 REC 51  NOV 13 1967  EX-113	
Dissemination Record of Attached Report						Notations	
Agency						11/27/67 STATE DEPT. [REDACTED]	
Request Recd.	" CC, AAG, Criminal Division, Organized Crime & Racketeering Section						
Date Fwd.	Room 2524						
How Fwd.	By 79 NOV 28 1967						



LA 166-507

Ninth Circuit Court of Appeals in the case involving [REDACTED]  
[REDACTED] Bufile 166-1765, in which evidence was  
gathered in a similar matter to that in this case.

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Since no further action is to be taken in the case  
until a ruling has been made by the Appellate Court in the  
[REDACTED] case, this case is being placed in a pending inactive  
status.

- B\* -  
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7C

Copy to: 1 - USA, Los Angeles

Report of: [REDACTED]

Office: Los Angeles, California

Date: 11/8/67

Field Office File #: 166-507

Bureau File #: 166-1765

Title: JOSEPH PETER SOLDIS;  
CARL LOVELACE CLEMENT

Character: FRAUD BY WIRE

Synopsis:

[REDACTED]

[REDACTED] of Escoa Corporation recalled receiving telephone calls from JOE SOLDIS when he, [REDACTED] was working at [REDACTED] but knew nothing concerning the use of electronic devices in placing these calls.

- P\* -

DETAILS:

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 29

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LA 166-462

AUSA DAVID R. NISSEN believes there is a possibility that this ruling would not apply to the individuals involved in these various conspiracies wherein their telephone conversations relaying betting information involved only the three day period 12/20 - 23/65. AUSA NISSEN will attempt to place an ITWI involving subject KAUFMAN on the court calendar of this District, if he is able to convince the Court that this involves a different set of circumstances.

In view of the above, those offices having cases involving [redacted] THOMAS MILTON BOYD, HERBERT KAUFMAN, EUGENE ANTHONY NOLAN, and [redacted] are requested to retain all evidence previously secured in this case until the outcome of this prosecutive effort is determined.

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The Baltimore Office is requested to furnish information which would be valuable in establishing KAUFMAN's being involved in the business of betting and wagering.

LA 166-462

This is the only case tried to date. LOMAN was acquitted; the indictment of [REDACTED] was dismissed because of improper language in the indictment, and [REDACTED] was convicted in U. S. District Court on 8/15/66.

On 10/20/67, the Ninth Circuit Court reversed the conviction of [REDACTED] on the grounds the telephone company had performed excessive monitoring in violation of Section 605, Title 47.

On 1/8/68, U. S. District Judge CHARLES H. CARR spread the mandate and reassigned the below listed indictments to the court of U. S. District Judge ALBERT LEE STEPHENS, JR.:

[REDACTED]

HERBERT KAUFMAN  
ITWI

[REDACTED]

[REDACTED]

ITWI  
LA 166-607

[REDACTED]

THOMAS MILTON BOYD  
ITWI

[REDACTED]

[REDACTED]

EUGENE ANTHONY NOLAN  
ITWI

[REDACTED]

[REDACTED]

ITWI

[REDACTED]

In addition, on 6/6/66, a separate indictment was

LA 166-462

obtained in the below listed case charging subjects with violation Title 18, U. S. Code, Section 1343 (Fraud By Wire) and Aiding and Abetting same.

[REDACTED]

FRW

[REDACTED]

AUSA DAVID R. NISSEN, Chief of the Organized Crime Section, after reviewing the indictments in these cases, advised that the Government would not dismiss the indictments and would resist their dismissal since it was the intent of the U. S. Attorney's office to try another case not charging [REDACTED] but one of his conspirators. The case selected is that entitled:

[REDACTED]

HERBERT KAUFMAN  
LA 166-609

In this case, AUSA NISSEN, on 1/26/68, filed an order with the court dismissing the indictments concerning defendants [REDACTED] and left the one against KAUFMAN in effect.

A hearing is scheduled in U. S. District Court before U. S. District Judge STEPHENS on 2/12/68, to set trial date.

On all other indictments mentioned above, [REDACTED] [REDACTED] on 1/19/68, filed motions to dismiss the indictment. The U. S. Attorney has not answered this petition and hearing dates for their arguments have not yet been set. AUSA NISSEN has advised he will oppose all motions to dismiss indictments pending the outcome of the subsequent hearings and trial of HERBERT KAUFMAN.

A complaint was filed on [REDACTED] on 5/24/66, charging him with violation of Title 18, Section 2, Aiding and Abetting in Fraud By Wire. AUSA NISSEN does not desire to dismiss this complaint at this time pending the results of the KAUFMAN trial, neither does he

See 36515 all depts.

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b7C

38204 S-1C

Trid / Bc /

D. C. Form No. 100 Rev. 1-54

18 USC 1084: Betting and Wagering;  
18 USC 2: Aiding and Abetting.

DATE	PROCEEDINGS
6/2/66	Ent ord for flg Indict & fxg bail at \$5,000.00 for deft NOLAN; \$1,500.00 for deft [REDACTED] and \$5,000.00 deft [REDACTED] Fld Indict. Md. JS-2 (CC). Fld \$1,500.00 NACIC Bond posted 5/25/66 bef Commr. Hermann at L.A., Calif. Fld Not of Flg Bond deft [REDACTED] ( <del>Insufficient Bail</del> ).
6/20/66	Each of the defts [REDACTED] arr & each T/N as chgd. Atty [REDACTED] admitted for this case ONLY. Fld appear [REDACTED] atty for deft [REDACTED] for deft [REDACTED] Ord plea Not Guilty all counts each deft ent by Court. Ord cont to 8/1/66, 9:30 AM for hrg mots, for arr & plea all remaining defts and for Jury Trial all defts. Ord Govt furnish all documentary evidence to defts & Ord defts examine all documents no later than 20 days prior to trial (CC).
6/24/66	Fld \$5,000.00 Public Service Mutual Ins. Co. Bond posted 5/25/66 bef Commr. Earle N. Bishopp of New York, New York. Fld Not of Flg Bond deft [REDACTED]
6/23/66	Ord trial date of 8/1/66, 9:30 AM vacated & case ord "off calendar" (CC).
1/19/68	Fld mot deft [REDACTED] to dismiss Indict.

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controlling  
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36267 S-CC  
TI-12/130/

T-12/130/

18 USC 1084: Interstate Transmission of Wagering Information;	
18 USC 2; Aiding and Abetting.	5 counts

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk					
J.S. 3 mailed	Marshal					
Violation	Docket fee -					
Title						
Sec.						

DATE	PROCEEDINGS
6/2/66	Ent ord for flg Indict & fxg bail at \$5,000.00 deft Kaurman; \$1,500.00 deft [redacted] and at \$5,000.00 deft [redacted] Fld Indict. Md. JS-2 (CC).
6/20/66	Each defts [redacted] arr & T/N as chgd. each deft. Atty [redacted] [redacted] admitted for this case ONLY. Fld appear [redacted] atty for deft [redacted] for deft [redacted] Ord plea Not Guilty all counts each deft ent by Court. Ord cont to 8/1/66, 9:30 AM for hrg mots, for arr & plea all remaining defts and for Jury Trial all defts. Ord Govt furnish all documentary evidence to defts & Ord defts examine all documents no later than 20 days prior to trial (CC).
6/23/66	Ord trial date of 8/1/66, 9:30 AM vacated & case ord "off calendar" (CC).
7/14/66	Fld Applic of Non-Resident Atty to appear and Participate in above-entitled action by Atty [redacted] on behalf of deft [redacted] & Ord (CC) thereon. Applicant [redacted] designates [redacted] of the law firm of Tankel, Toll, Lertzman & Leavitt, 9601 Wilshire Blvd., Suite 425, Beverly Hills, Tel. No. Crestview 8-0600 as the person with whom the Court & opposing counsel may readily communicate re the conduct of this case. (Over)



U.S.A. vs Herbert Kaufman, et al

[illegible]

CRIMINAL DOCKET  
UNITED STATES DISTRICT COURTControlled  
[Redacted]36269 S-CC  
Trial Page 1

D. C. Form No. 100 Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
VS.	
(1) THOMAS MILTON BOYD	Both defts all counts.
(2) [Redacted]	
	For Defendant:
18 USC 1084: Interstate Transmission of Wagering Information.	
6 cts.	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk				
J.S. 3 mailed	Marshal				
Violation	Docket fee				
Title					
Sec.					

DATE	PROCEEDINGS
6/2/66	Ent ord for flg Indict & fxg bail at O/R deft Boyd & at \$1,500.00 Fld Indict. Md. JS-2 (CC).
	Fld \$500.00 Appearance Bond posted 5/25/66 bef U. S. Commr. XHEMAM A. B. Neil, Jr. at Nashville, Tennessee. Fld Not of Flg Bond. deft Thomas M. Boyd.
6/16/66	Fld Pltf's Motion & Ord for issuance of Warrant of Arrest for deft Boyd & Ord (CC) thereon, in the amount of \$500.00. Issd B/W fixed in the amt of \$500.00 for deft Boyd. (CC).
6/20/66	Ord cont to 8/22/66, 9:30 AM for arr & plea (CC).
7/19/66	Fld appear praef of [Redacted] for deft Thomas Milton Boyd.
✓ 7/19/66	Atty [Redacted] of Nashville, Tennessee, admitted as counsel for deft Boyd for purpose this case ONLY. Deft Boyd arr & T/N as chgd. Deft Boyd pleads Not Guilty all 6 counts. Time to file pre-plea motions extended 3 weeks from this date. Ord case "Off Calendar" (CC).
8/3/66	Fld \$500.00 Appearance Bond (original but possible duplicate bond) posted 7/28/66 by U. S. Commr. A. B. Neil, jr. of Nashville, Tennessee Fld Not of Flg (orig-dup) bond. (OVER)

[illegible]

CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT

365155-16  
Superseding

[illegible]

CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT

Superseding

ATTORNEYS

For U. S.:

U.S.

All defts chgd in all  
5 counts.

(2)

(3)

*For Defendant:*

18 USC 2: Aiding and Abetting.

5 cts.

[illegible]

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (166-1765)

DATE: February 19, 1968

FROM : SAC, BALTIMORE (166-447)(P)

b6  
b7C

SUBJECT:

[REDACTED]

aka;  
FUGITIVE;

ET AL  
ITWI;  
FBW - CONSPIRACY  
(OO: LOS ANGELES)

Re Los Angeles airtel, dated January 24, 1968.

A review of the Baltimore files concerning HERBERT KAUFMAN indicates that Los Angeles is in possession of all information available to Baltimore, concerning KAUFMAN, who participates in gambling activities. This material was, of course, obtained in a search incidental to KAUFMAN'S arrest on May 25, 1966 in Baltimore, Maryland.

For the information of the Bureau, the Bureau's file number in this case was 166-788.

A copy of the report regarding this arrest containing copies of material obtained from KAUFMAN as a result of the search is being enclosed for Los Angeles.

No further information concerning KAUFMAN'S current activities is available to Baltimore, other than informant-type material and it is assumed this type information not desired by Los Angeles, as it would not be germane in this current litigation.

2-Bureau  
2-Los Angeles  
2-Baltimore  
MMW:lhs  
(6)

(ENC. 1)

REC-41

EX 101

(166-462)

166-1765-234

FEB 21 1968

MAR 1 1968



5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

F B I

Date: 2/14/68

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIR MAIL  
(Priority)

TO: DIRECTOR, FBI (166-1765)  
 FROM: SAC, LOS ANGELES (166-462)(P\*)  
 RE: , aka; *NP*  
 FUGITIVE; *LEB*  
 ET AL  
 ITWI; FBW - CONSPIRACY  
 OO: LOS ANGELES

*to be Disc.  
 on 2/14/68  
 228*

Re Los Angeles airtel to Bureau dated 2/9/68.

AUSA DAVID R. NISSEN, on 2/13/68, advised that on the same date, he had appeared in U. S. District Court at Los Angeles for the purpose of obtaining a trial date for HERBERT KAUFMAN. U. S. District Judge ALBERT LEE STEPHENS, JR. requested that the Government file an Offer of Proof and Points of Authority setting forth why the circumstances

- 3 - Bureau  
 1 - Atlanta (166-182)  
 1 - Baltimore (166-447)  
 1 - Charlotte (162-185)  
 1 - Memphis (166-329)  
 1 - Miami (166-359)  
 1 - New Orleans (168-87)  
 1 - Newark (166-553)  
 9 - Los Angeles  
   (1 - 166-607)  
   (1 - 166-608)  
   (1 - 166-609)  
   (1 - 166-610)  
   (1 - 166-611)  
   (1 - 166-612)  
   (1 - 166-613)

EBD/mjg  
 (19)

REC-38

166-1765-235

EX-104

6 FEB 17 1968

Approved: *[Signature]* *SLC*  
 Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

LA 166-462

involving HERBERT KAUFMAN were different than those that were present in the trial of [REDACTED] which conviction was reversed by the Ninth Circuit Court.

Conferences will be held with AUSA NISSEN and representatives of the Pacific Telephone Company this week for the purpose of establishing the short length of monitoring that was involved insofar as KAUFMAN was concerned and further to establish that the telephone company was primarily interested in its investigation of the individuals using the blue boxes to determine the source of manufacture and distribution in order that they might put a stop to their use. In the [REDACTED] case, the Ninth Circuit Court stated the telephone company, for the purpose of billing and collections, had monitored excessively.

The Bureau will be kept advised of pertinent developments in this case.

CONFIDENTIAL  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11-11-81 BY 1043



## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE LOS ANGELES	OFFICE OF ORIGIN LOS ANGELES	DATE 2/14/68	INVESTIGATIVE PERIOD 2/5/68
TITLE OF CASE [REDACTED] <i>W M</i> FUGITIVE <i>ka -</i>		REPORT MADE BY [REDACTED]	TYPED BY ceb
CHARACTER OF CASE ITWI; FBW-CONSPIRACY <i>2</i> <i>3</i>			
<p>REFERENCES: Los Angeles letter to Bureau dated 12/27/67.          Los Angeles airtel to Bureau dated 1/24/68, captioned,          [REDACTED] aka; ET AL; ITWI; FBW-CONSPIRACY."</p>			

- P\* -

ADMINISTRATIVE

An FD-65 has been submitted to the Bureau cancelling the wanted notice for [REDACTED] and Fugitive is being deleted from the title. Auxillary offices have been advised. *Mus*

National Crime Information Center (NCIC) cancellation has been submitted.

ACCOMPLISHMENTS CLAIMED						ACQUIT-TALS	CASE HAS BEEN:	
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
							PENDING PROSECUTION OVER SIX MONTHS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
APPROVED <i>[Signature]</i> COPIES MADE: (3) - Bureau (166-1765)(AM) 1 - USA, Los Angeles (Attn: AUSA DAVID R. NISSEN) 2 - Dallas (162-264)(AM) 2 - Los Angeles (166-613)						SPECIAL AGENT IN CHARGE		
DO NOT WRITE IN SPACES BELOW <i>166-1765 - 236</i> <i>1 FEB 19 1968</i> <i>REC-68</i>								
Dissemination Record of Attached Report						Notations		
Agency						<i>FUG. SUP.</i> <i>NAME</i> <i>STAT. SECT.</i>		
Request Recd.								
Date Fwd.	55 MAR 23 1968							
How Fwd.								
By								

LA 166-613

LEADS

DALLAS

AT DALLAS, TEXAS: Will recontact established sources acquainted with [ ] and realert sources to immediately advise in event whereabouts of [ ] becomes known. [ ] is currently being carried as subject in Los Angeles case entitled [ ] aka: [ ] [ ], aka; [ ] aka; [ ] aka, "ITAR-GAMBLING" Los Angeles file 166-1217. Los Angeles remains desirous of locating [ ] in that it would appear that he possibly was involved in peephole gambling operations in the Los Angeles area.

LOS ANGELES

AT LOS ANGELES, CALIFORNIA: Will follow other action taken by the U. S. Attorney with regard to the other Interstate Transportation of Wagering Information (ITWI) cases evolving out of the [ ] case to determine what action, if any, may be taken in regard to [ ]

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7c

Copy to: 1 - USA, Los Angeles (Attn: AUSA DAVID R. NISSEN)

Report of:  
Date:[REDACTED]  
2/14/68

Office: Los Angeles, California

Field Office File #: 166-613

Bureau File #: 166-1765

Title:

Character: INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FRAUD BY WIRE - CONSPIRACY

Synopsis:

Based on Ninth Circuit Court ruling in [REDACTED] versus United States of America, AUSA Los Angeles advised that upon action of [REDACTED] defense counsel for dismissal of complaint, he will request dismissal without prejudice be granted. AUSA upon further consideration of ruling believes ruling possibly would not apply to individual whose conversations monitored for shorter period and will attempt to place related case involving HERBERT KAUFMAN on calendar, U. S. District Court, Los Angeles.

- P\* -

DETAILS:

In the case of [REDACTED] versus the United States of America, the Ninth Circuit Court on October 20, 1967, ruled in favor of [REDACTED]. The Ninth Circuit, in effect, ruled that the District Court erred in admitting into evidence the tape recordings involved in this trial, inasmuch as the telephone company monitoring of [REDACTED] telephone was excessive. Based upon this decision, Assistant United States Attorney DAVID R. NISSEN advised that he would not initiate action for dismissal of the outstanding complaint for [REDACTED] but upon action of defense counsel for dismissal, he would request that dismissal without prejudice be granted.

LA 166-613

Assistant United States Attorney NISSEN upon further consideration of this Ninth Circuit Court ruling advised that he believes that this ruling would possibly not apply to the individuals involved in the various conspiracies wherein their telephone conversations relaying betting information involved only the three day period December 20, 1965 through December 23, 1965. Assistant United States Attorney NISSEN advised that he would attempt to place the related case involving HERBERT KAUFMAN on the court calendar of the United States District Court, Los Angeles, California, providing he is able to convince the court that this involves a different set of circumstances in that the telephone company monitoring in this case was for a much shorter period.

—  whereabouts remains unknown.

b6  
b7C

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>2/26/68</b>	INVESTIGATIVE PERIOD <b>1/15/68 - 2/16/68</b>
TITLE OF CASE <b>JOSEPH PETER SOLDIS; CARL LOVELACE CLEMENT</b>		REPORT MADE BY <b>[REDACTED]</b>	TYPED BY <b>les</b>
		CHARACTER OF CASE <b>FBW</b>	

REFERENCE: Report of SA **[REDACTED]** dated 4/31/67, at **N**  
Los Angeles.

- P -

ADMINISTRATIVE

On 1/15/68, AUSA DAVID R. NISSEN advised that the Ninth Circuit, in effect, ruled that the District Court erred in case entitled **[REDACTED]** aka; ET AL; ITWI; FBW - CONSPIRACY" in admitting into evidence the tape recordings involved in the trial, because the telephone company monitored **[REDACTED]** telephone excessively.

AUSA NISSEN stated that he believes there is a possibility that cases involving SOLDIS, CLEMENT, and **[REDACTED]** can be successfully prosecuted if there is sufficient evidence

ACCOMPLISHMENTS CLAIMED						None	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED: **[Signature]** SPECIAL AGENT IN CHARGE  
COPIES MADE: **[Signature]**

DO NOT WRITE IN SPACES BELOW

- ③ - Bureau (166-1765)  
1 - USA, Los Angeles  
2 - Los Angeles (166-507)

**166 1165 238** REC-44

ST-103

4 FEB 29 1968

## Dissemination Record of Attached Report

Agency	<b>DEPT, RAO</b>			
Request Recd.				
Date Fwd.	<b>3-13-68</b>			
How Fwd.	<b>MAIL</b>			
By	<b>REDACTED</b>			

Notations

STAT SECT

available exclusively of the tape recordings reflecting the telephone company's monitoring of telephones used by these individuals. He requested that information concerning these individuals be reviewed and that he would discuss the cases at a subsequent date with agents.

On February 8, 1968, AUSA NISSEN was contacted by SA's [redacted] and [redacted] concerning the cases mentioned above. NISSEN requested that a report be prepared containing results of telephone print outs which reflect calls made from telephones available to SOLDIS, CLEMENT, and [redacted] to long distance telephone information service. He also requested that consideration be given to obtaining a subpoena call for the production of telephone records maintained by these individuals during the pertinent period as well as records maintained by the telephone company.

LEADS:

LOS ANGELES

AT LOS ANGELES, CALIFORNIA: Will obtain subpoena requesting production of telephone records concerning the Escoa Corporation from both the company and the Pacific Telephone Company.

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Los Angeles

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b7c

Report of: [REDACTED]

Office: Los Angeles, California

Date: 2/26/68

Field Office File #: 166-507

Bureau File #: 166-1765

Title: JOSEPH PETER SOLDIS;  
CARL LOVELACE CLEMENT

Character: FRAUD BY WIRE

Synopsis: In 1966, the Pacific Telephone Company furnished a print out of calls made to distant information operators from telephone then listed to the Escoa Corporation, Gardena, California. The print out of these calls are set forth.

- P -

DETAILS:

On April 26, 1966, an official of the Pacific Telephone and Telegraph Company, Los Angeles, California, furnished a print out of calls made to distant information operators from telephones 772-6161, 772-6162, 772-6163, and 644-1171, which telephones were then listed to Escoa Corporation, 15519 Crenshaw Boulevard, Gardena, California. This record indicates that numerous calls were made from these telephones ranging in duration from one minute to 177 minutes. The calls are listed below:

213-FROM NUMBER	TYPE	DATE	TIME	MIN	TO NPA
213 644-1171	A	12-01		3	912
213 644-1171	A	12-17		2	912
213 644-1171	A	11-29		2	201
213 644-1171	A	11-24		57	206
213 644-1171	A	11-27		4	208
213 644-1171	A	11-29		1	503
213 644-1171	A	11-27		2	602
213 644-1171	A	11-27		9	605
213 644-1171	A	11-26		1	715
213 644-1171	A	11-27		2	715
213 644-1171	A	11-27		3	715

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213	644-1171	A	11-27	8	715
213	644-1171	A	11-29	14	715
213	644-1171	A	11-30	2	715
213	644-1171	A	11-30	19	913
213	644-1171	A	12-18	5	805
213	644-1171	A	12-24	18	806
213	644-1171	A	01-18	1	602
213	644-1171	A	01-18	36	602
213	644-1171	A	01-19	8	602
213	644-1171	A	01-20	5	602
213	644-1171	A	12-01	22	602
213	644-1171	A	01-04	2	617
213	644-1171	A	01-03	6	715
213	644-1171	A	01-07	6	715
213	644-1171	A	01-08	1	715
213	644-1171	A	01-12	3	715
213	644-1171	A	01-12	5	715
213	644-1171	A	01-15	1	715
213	644-1171	A	01-17	7	715
213	644-1171	A	01-18	15	715
213	644-1171	A	12-03	11	715
213	644-1171	A	12-06	14	715
213	644-1171	A	12-07	1	715
213	644-1171	A	12-19	38	715
213	644-1171	A	12-22	29	715
213	644-1171	A	01-04	1	716
213	644-1171	A	01-04	2	716
213	644-1171	A	01-17	1	716
213	644-1171	A	12-02	2	716
213	644-1171	A	12-24	9	716
213	644-1171	A	01-03	5	803
213	644-1171	A	01-18	2	803
213	644-1171	A	12-02	1	803
213	644-1171	A	12-27	1	803
213	644-1171	A	01-06	10	806
213	644-1171	A	01-08	10	806
213	644-1171	A	01-10	5	806
213	644-1171	A	01-18	1	806
213	644-1171	A	01-24	18	806
213	644-1171	A	01-17	21	913
213	644-1171	A	01-21	2	913
213	644-1171	A	01-20	1	914
213	644-1171	A	12-18	5	805
213	644-1171	A	12-24	18	806
213	644-1171	A	12-01	3	912
213	644-1171	A	02-04	3	208
213	644-1171	A	02-04	9	503

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0926



LA 166-507

213 644-1171	A	02-25	1743	1	503
213 644-1171	A	02-27	1608	2	803
213 644-1171	A	02-08	1245	49	806
213 644-1171	A	01-17		5	201
213 644-1171	A	12-17		14	201
213 644-1171	A	01-11		4	208
213 644-1171	A	01-12		26	208
213 644-1171	A	01-14		18	208
213 644-1171	A	01-17		3	208
213 644-1171	A	01-19		1	208
213 644-1171	A	12-08		1	208
213 644-1171	A	12-11		3	208
213 644-1171	A	12-17		71	502
213 644-1171	A	01-03		2	503
213 644-1171	A	01-08		2	503
213 644-1171	A	01-08		2	503
213 644-1171	A	01-28		3	503
213 644-1171	A	12-02		5	503
213 644-1171	A	12-08		1	503
213 644-1171	A	12-10		6	503
213 644-1171	A	12-24		6	503
213 644-1171	A	01-11		1	505
213 644-1171	A	01-15		2	602
213 644-1171	A	01-15		4	602
213 644-1171	A	01-15		4	602
213 644-1171	A	01-18		1	602
213 644-1171	A	01-18		36	602
213 644-1171	A	01-19		8	602
213 644-1171	A	01-20		5	602
213 644-1171	A	12-01		22	602
213 644-1171	A	01-04		2	617
213 644-1171	A	01-03		6	715
213 644-1171	A	01-07		6	715
213 644-1171	A	01-08		1	715
213 644-1171	A	01-12		3	715
213 644-1171	A	01-12		5	715
213 644-1171	A	01-15		1	715
213 644-1171	A	01-17		7	715
213 644-1171	A	01-18		15	715
213 644-1171	A	12-03		11	715
213 644-1171	A	12-06		14	715
213 644-1171	A	12-07		1	715
213 644-1171	A	12-19		38	715
213 644-1171	A	12-22		29	715
213 644-1171	A	01-04		1	716
213 644-1171	A	01-04		2	716
213 644-1171	A	01-17		1	716

LA 166-507

213 644-1171	A	12-02	2	716
213 644-1171	A	12-24	9	716
213 644-1171	A	01-03	5	803
213 644-1171	A	01-18	2	803
213 644-1171	A	12-02	1	803
213 644-1171	A	12-27	1	803
213 644-1171	A	01-06	10	806
213 644-1171	A	01-08	10	806
213 644-1171	A	01-10	5	806
213 644-1171	A	01-18	1	806
213 644-1171	A	01-24	18	806
213 644-1171	A	01-17	21	913
213 644-1171	A	01-21	2	913
213 644-1171	A	01-20	1	914
213 644-1171	A	12-18	5	805
213 644-1171	A	12-24	18	806
213 644-1171	A	12-01	3	912
213 644-1171	A	12-17	2	912
213 644-1171	A	11-29	2	201
213 644-1171	A	11-24	57	206
213 644-1171	A	11-27	4	208
213 644-1171	A	11-29	1	503
213 644-1171	A	11-27	2	602
213 644-1171	A	11-27	9	605
213 644-1171	A	11-26	1	715
213 644-1171	A	11-27	2	715
213 644-1171	A	11-27	3	715
213 644-1171	A	11-27	8	715
213 644-1171	A	11-29	14	715
213 644-1171	A	11-30	2	715
213 644-1171	A	11-30	19	913
213 644-1171	A	01-17	5	201
213 644-1171	A	12-17	14	201
213 644-1171	A	01-11	4	208
213 644-1171	A	01-12	26	208
213 644-1171	A	01-14	18	208
213 644-1171	A	01-17	3	208
213 644-1171	A	01-19	1	208
213 644-1171	A	12-08	1	208
213 644-1171	A	12-11	1	208
213 644-1171	A	12-17	71	502
213 644-1171	A	01-03	2	503
213 644-1171	A	01-08	2	503
213 644-1171	A	01-08	2	503
213 644-1171	A	01-28	3	503

LA 166-507

213 644-1171	A	12-02	5	503
213 644-1171	A	12-03	1	503
213 644-1171	A	12-10	6	503
213 644-1171	A	12-24	6	503
213 644-1171	A	01-11	1	505
213 644-1171	A	01-15	2	602
213 644-1171	A	11-29	2	201
213 644-1171	A	11-24	57	206
213 644-1171	A	11-27	4	208
213 644-1171	A	11-29	1	503
213 644-1171	A	11-27	2	602
213 644-1171	A	11-27	9	605
213 644-1171	A	11-26	1	715
213 644-1171	A	11-27	2	715
213 644-1171	A	11-27	3	715
213 644-1171	A	11-27	8	715
213 644-1171	A	11-29	14	715
213 644-1171	A	11-30	2	715
213 644-1171	A	11-30	19	913
213 772-6161	A	10-27	1	206
213 772-6161	A	10-19	1	208
213 772-6161	A	09-21	31	503
213 772-6161	A	10-11	10	503
213 772-6161	A	10-13	1	503
213 772-6161	A	10-15	6	503
213 772-6161	A	10-19	4	503
213 772-6161	A	10-28	1	503
213 772-6161	A	09-20	4	509
213 772-6161	A	09-21	4	509
213 772-6161	A	10-13	1	714
213 772-6161	A	10-13	1	714
213 772-6161	A	09-28	20	806
213 772-6161	A	09-30	5	806
213 772-6161	A	10-11	1	806
213 772-6161	A	10-11	3	806
213 772-6161	A	10-11	4	806
213 772-6161	A	10-18	17	806
213 772-6161	A	10-25	5	806
213 772-6161	A	09-16	5	912
213 772-6161	A	10-02	9	921
213 772-6161	A	10-11	2	912
213 772-6161	A	10-15	2	912
213 772-6161	A	10-15	6	912
213 772-6161	A	10-16	11	912
213 772-6161	A	10-21	14	912
213 772-6161	A	10-23	1	912
213 772-6161	A	10-27	4	912

LA 166-507

213	772-6161	A	09-21	7	918
213	772-6161	A	10-16	6	206
213	772-6161	A	10-20	8	206
213	772-6161	A	10-27	1	206
213	772-6161	A	10-19	1	208
213	772-6161	A	09-21	31	503
213	772-6161	A	10-11	10	503
213	772-6161	A	10-13	1	503
213	772-6161	A	10-15	6	503
213	772-6161	A	10-19	4	503
213	772-6161	A	10-28	1	503
213	772-6161	A	09-20	4	509
213	772-6161	A	09-21	4	509
213	772-6161	A	10-13	1	714
213	772-6161	A	10-13	1	714
213	772-6161	A	09-28	20	806
213	772-6161	A	09-30	5	806
213	772-6161	A	10-11	1	806
213	772-6161	A	10-11	3	806
213	772-6161	A	10-11	4	806
213	772-6161	A	10-18	17	806
213	772-6161	A	10-25	5	806
213	772-6161	A	09-16	5	912
213	772-6161	A	10-02	9	912
213	772-6161	A	10-11	2	912
213	772-6161	A	10-15	2	912
213	772-6161	A	10-15	6	912
213	772-6161	A	10-16	11	912
213	772-6161	A	10-21	14	912
213	772-6161	A	10-23	1	912
213	772-6161	A	10-27	4	912
213	772-6161	A	09-21	7	918
213	772-6161	A	10-05	58	201
213	772-6161	A	10-26	6	201
213	772-6161	A	10-15	3	206
213	772-6161	A	10-16	2	206
213	772-6161	A	10-20	8	206
213	772-6161	A	10-27	1	206
213	772-6161	A	10-19	1	208
213	772-6161	A	09-21	31	503
213	772-6161	A	10-11	10	503
213	772-6161	A	10-13	1	503
213	772-6161	A	10-15	6	503
213	772-6161	A	10-19	4	503
213	772-6161	A	10-28	1	503
213	772-6161	A	09-20	4	509
213	772-6161	A	09-21	4	509
213	772-6161	A	10-13	1	714

LA 166-507

213	772-6161	A	10-13	1	714
213	772-6161	A	09-28	20	806
213	772-6161	A	09-30	5	806
213	772-6161	A	10-11	1	806
213	772-6161	A	10-11	3	806
213	772-6161	A	10-11	4	806
213	772-6161	A	10-18	17	806
213	772-6161	A	10-25	5	806
213	772-6161	A	09-16	5	912
213	772-6161	A	10-02	9	912
213	772-6161	A	10-11	2	912
213	772-6161	A	10-15	2	912
213	772-6161	A	10-15	6	912
213	772-6161	A	10-16	11	912
213	772-6161	A	10-21	14	912
213	772-6161	A	10-23	1	912
213	772-6161	A	10-27	4	912
213	772-6161	A	09-21	7	918
213	772-6161	A	11-13	7	206
213	772-6161	A	11-30	15	206
213	772-6161	A	11-03	3	208
213	772-6161	A	11-18	10	208
213	772-6161	A	11-29	2	208
213	772-6161	A	11-01	1	503
213	772-6161	A	11-03	1	503
213	772-6161	A	11-11	1	503
213	772-6161	A	11-11	1	503
213	772-6161	A	11-11	5	503
213	772-6161	A	11-22	1	503
213	772-6161	A	11-03	2	715
213	772-6161	A	11-03	7	715
213	772-6161	A	11-09	1	715
213	772-6161	A	11-09	7	715
213	772-6161	A	11-16	15	715
213	772-6161	A	11-16	60	715
213	772-6161	A	11-18	12	715
213	772-6161	A	11-22	10	715
213	772-6161	A	11-26	5	715
213	772-6161	A	11-22	10	912
213	772-6161	A	10-05	58	201
213	772-6161	A	10-26	6	201
213	772-6161	A	10-15	3	206
213	772-6161	A	10-16	2	206
213	772-6161	A	10-16	6	206
213	772-6161	A	12-07	4	806
213	772-6161	A	12-13	6	806
213	772-6161	A	12-16	12	806

LA 166-507

213	772-6161	A	12-18	35	806
213	772-6161	A	12-20	8	806
213	772-6161	A	12-02	1	912
213	772-6161	A	12-04	1	912
213	772-6161	A	12-04	1	912
213	772-6161	A	12-04	1	912
213	772-6161	A	12-08	3	912
213	772-6161	A	12-09	14	913
213	772-6161	A	11-13	7	206
213	772-6161	A	11-30	15	206
213	772-6161	A	11-03	3	208
213	772-6161	A	11-18	10	208
213	772-6161	A	11-29	2	208
213	772-6161	A	11-01	2	208
213	772-6161	A	11-03	1	503
213	772-6161	A	11-11	1	503
213	772-6161	A	11-11	1	503
213	772-6161	A	11-11	5	503
213	772-6161	A	11-22	1	503
213	772-6161	A	11-03	2	715
213	772-6161	A	11-03	7	715
213	772-6161	A	11-09	1	715
213	772-6161	A	11-09	7	715
213	772-6161	A	11-16	15	715
213	772-6161	A	11-16	60	715
213	772-6161	A	11-18	12	715
213	772-6161	A	11-22	10	715
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213	772-6163	A	12-10	7	715

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213 772-6163	A	01-19	18	206

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213	772-6163	A	01-03	13	602

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213	772-6163	A	12-27	3	206
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213	772-6163	A	12-01	3	208
213	772-6163	A	12-02	3	208

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213	772-6163	A	12-27	2	507
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213	772-6163	A	12-17	1	518
213	772-6163	A	01-03	13	602

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213	772-6163	A	12-02	5	716

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213	772-6163	A	03-07	10	208
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213	772-6163	A	03-07	1	505

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213	772-6163	A	03-31	1841	2	715
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213	772-6163	A	03-31	1946	4	716
213	772-6163	A	03-07	0817	9	912
213	772-6163	A	02-09	1459	1	503
213	772-6163	A	02-16	1709	18	503
213	772-6163	A	02-19	1558	1	503
213	772-6163	A	01-17		18	201
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213	772-6163	A	11-08	11	715
213	772-6163	A	11-09	1	715
213	772-6163	A	11-09	4	715
213	772-6163	A	11-09	4	715
213	772-6163	A	11-09	5	715
213	772-6163	A	11-09	6	715
213	772-6163	A	11-09	21	715
213	772-6163	A	11-09	22	715
213	772-6163	A	11-10	1	715
213	772-6163	A	11-10	3	715
213	772-6163	A	11-10	13	715
213	772-6163	A	11-11	10	715
213	772-6163	A	11-11	11	715
213	772-6163	A	11-12	1	715
213	772-6163	A	11-12	6	715
213	772-6163	A	11-15	29	715
213	772-6163	A	11-16	2	715
213	772-6163	A	11-16	3	715
213	772-6163	A	11-16	5	715
213	772-6163	A	11-16	5	715
213	772-6163	A	11-16	6	715
213	772-6163	A	11-17	3	715

LA 166-507

On February 16, 1968, [REDACTED] Special Agent, Pacific Telephone Company, 642 South Hill Street, Los Angeles, California, advised that telephone number 555-1212 is the number assigned to the information throughout the United States. He stated that the last column in the print out labeled "TO NPA" is the area code to which the various calls were placed.

b6  
b7c

# FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>3/6/68</b>	INVESTIGATIVE PERIOD <b>1/15/68 - 2/16/68</b>
TITLE OF CASE <div style="border: 1px solid black; width: 200px; height: 20px; display: inline-block;"></div> aka		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block;"></div>	TYPED BY <b>mmc</b>
CHARACTER OF CASE  <b>ITAR - FBW</b>			

REFERENCES: Report of SA  dated 10/23/67 at Los Angeles.

- P -

## ADMINISTRATIVE

On 1/15/68, AUSA DAVID R. NISSEN advised that the Ninth Circuit, in effect, ruled that the District Court erred in case entitled  aka; ET AL; ITWI; FBW - CONSPIRACY" in admitting into evidence the tape recordings involved in the trial, because the telephone company monitored  telephone excessively.

AUSA NISSEN stated that he believes there is a possibility that cases involving JOSEPH PETER SOLDIS, CARL LOVELACE CLEMENT, and  can be successfully

ACCOMPLISHMENTS CLAIMED						ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
							PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

APPROVED:   
COPIES MADE: \_\_\_\_\_  
SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

**166-1765-242** **REC-23**

**12 MAR 11 1968**

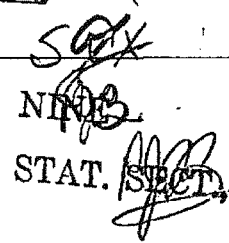
- ③ - Bureau (166-1765)
- 1 - USA, Los Angeles (AUSA NISSEN)
- 2 - Los Angeles (166-505)

Dissemination Record of Attached Report				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

CC, AAG, Criminal Division,  
Organized Crime & Racketeering Section  
Room 2524

3/11/68

**STAT. SECT.**



**79 MAR 15 1968**

LA 166-505

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prosecuted if there is sufficient evidence available exclusively of the tape recordings reflecting the telephone company's monitoring of telephones used by these individuals. He requested that information concerning these individuals be reviewed and that he would discuss the cases at a subsequent date with Agents.

On 2/8/68, AUSA NISSEN was contacted by SA's [redacted] and [redacted] concerning the cases mentioned above. NISSEN requested that a report be prepared containing results of telephone printouts which reflect calls made from telephones available to SOLDIS, CLEMENT and [redacted] to long distance telephone information service. He also requested that consideration be given to obtaining a subpoena call for the production of telephone records maintained by these individuals during the pertinent period as well as records maintained by the telephone company.

LEADS

LOS ANGELES

AT BEVERLY HILLS, CALIFORNIA. Will obtain subpoena requesting production of telephone records kept in the normal course of business by the [redacted]  
[redacted]

AT LOS ANGELES, CALIFORNIA. Will obtain subpoena requesting production of telephone records concerning [redacted]

covered by print out information.

- B\* -  
COVER PAGE

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 31

Page 143 ~ b6, b7C, b7D  
Page 152 ~ b5, b6, b7C  
Page 153 ~ b5, b6, b7C  
Page 154 ~ b5, b6, b7C  
Page 155 ~ b5, b6, b7C  
Page 156 ~ b5, b6, b7C  
Page 157 ~ b5, b6, b7C  
Page 158 ~ b5, b6, b7C  
Page 159 ~ b5, b6, b7C  
Page 160 ~ b5  
Page 161 ~ b5, b6, b7C  
Page 162 ~ b5, b6, b7C  
Page 163 ~ b5, b6, b7C  
Page 164 ~ b5, b6, b7C  
Page 165 ~ b5  
Page 166 ~ b5, b6, b7C  
Page 167 ~ b5, b6, b7C  
Page 168 ~ b5, b6, b7C  
Page 169 ~ b5, b6, b7C  
Page 170 ~ b5, b6, b7C  
Page 171 ~ b5, b6, b7C  
Page 172 ~ b5, b6, b7C  
Page 173 ~ b5, b6, b7C  
Page 174 ~ b5, b6, b7C  
Page 175 ~ b5, b6, b7C  
Page 176 ~ b6, b7C, b7D  
Page 177 ~ b5, b6, b7C  
Page 178 ~ b5, b6, b7C  
Page 179 ~ b5, b6, b7C  
Page 180 ~ b5, b6, b7C  
Page 181 ~ b5, b6, b7C

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X Deleted Page(s) X  
X No Duplication Fee X  
X for this Page X  
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FBI

Date: 4/18/68

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b7C

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL AIR MAIL  
(Priority)

TO: DIRECTOR, FBI (166-1765)  
FROM: SAC, LOS ANGELES (166-462) (P\*)  
RE:  aka; *W. L. B.*  
ET AL FUGITIVE;  
ITWI; FBW; CONSPIRACY  
OO: LOS ANGELES

Re Los Angeles airtels to Bureau dated 2/9/68, *233*  
and 2/14/68. *235*

AUSA DAVID R. NISSEN, Los Angeles, California, on 4/16/68, advised that U. S. District Judge ALBERT LEE STEPHENS, JR. is considering the Offer of Proof and Points of Authority submitted by AUSA NISSEN as to why the circumstances involving HERBERT KAUFMAN in regard to telephone monitoring were different from those involving  Judge STEPHENS has not, to date, rendered a decision.

Inasmuch as the disposition of these cases is dependent upon Judge STEPHENS' decisions, UACB no report will be submitted.

This matter is being closely followed by the Los Angeles Office and the Bureau will be advised of any developments in this case.

③ - Bureau  
2 - Los Angeles  
EBD/mjg  
(5)

EX 101

REC-68

*166-1765-246*

APR 23 1968

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_

62 APR 30 1968 Special Agent in Charge

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (166-1765)

FROM : SAC, LOS ANGELES (166-507) (P)

SUBJECT: JOSEPH PETER SOLDIS;  
CARL LOVELACE CLEMENT  
FBW  
OO: Los Angeles

DATE: 4/30/68

2/26/68. <sup>238</sup> Rerep of SA [ ] at Los Angeles dated

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This case has been reassigned from AUSA DAVID R. NISSEN to AUSA MICHAEL DE FEO for prosecutive action.

On 4/29/68, SA [ ] concluded a review and discussion of this case with AUSA DE FEO. Mr. DE FEO advised that he intends to again present this matter to a Federal Grand Jury (FGJ) at Los Angeles in the near future. It is his intention to base prosecution of CLEMENT on the testimony of live witnesses and [ ]

[ ] will be used. Mr. DE FEO doubts that sufficient evidence is available to successfully prosecute SOLDIS.

b3

AUSA DE FEO prefers to subpoena [ ] before the FGJ. The lead set forth in rerep to obtain a subpoena for these records is not being covered.

The Bureau will be kept advised of prosecutive action.

EX-110  
REC-23

166-1765 248

10 MAY 2 1968

2 - Bureau  
2 - Los Angeles

RFJ/clp  
(4)

70 MAY 10 1968

NINE

LA 166-462

Prosecution of the above case was dependent upon numerous recordings that the Pacific Telephone Company made of telephone calls in Los Angeles, California of [REDACTED] in making these calls, was using a device to circumvent the telephone company's normal billing system. This device enabled [REDACTED] to call [REDACTED] a bettor - bookmaker, receive instructions and thereafter call various other bookmakers in the United States, conduct betting business or obtain and give betting information with them and then furnish [REDACTED] with the results of his action.

In view of the nature of these calls and the fact that there was no evidence showing any mutual contact with these other individuals other than separate and distinct action with [REDACTED] through [REDACTED], it was the opinion of the Assistant United States Attorney JOHN E. LALLY at Los Angeles that the individuals [REDACTED] was in contact with should be handled as separate conspiracies with [REDACTED]. Therefore, in addition to the above case, indictments charging violation Title 18, United States Code, Sections 1084 and 2 were returned separately against [REDACTED] and each of the following:

HERBERT KAUFMAN;

[REDACTED]

EUGENE ANTHONY NOLAN;

[REDACTED]

An indictment was also returned charging [REDACTED] and THOMAS MILTON BOYD with violation of Title 18, United States Code, Section 1084.

An indictment was also returned charging [REDACTED] with violation of Title 18, United States Code, Section 1343 (Fraud by Wire) and aiding and abetting same.

A complaint was filed on [REDACTED] on May 24, 1966 charging him with violation of Title 18, Section 2, aiding and abetting in Fraud by Wire.



On October 20, 1967, the United Court of Appeals for the Ninth Circuit reversed the conviction of [ ] on the grounds that the telephone company had excessively monitored [ ] telephone calls.

On January 8, 1968, United States District Judge CHARLES H. CARR spread the mandate on the above decision and reassigned the remaining above mentioned indictments to the court of United States District Judge ALBERT LEE STEPHENS, JR.

On February 13, 1968, Judge ALBERT LEE STEPHENS, JR. in United States District Court at Los Angeles requested Assistant United States Attorney DAVID R. NISSEN to file an Offer of Proof and points of authority setting forth why the circumstances were different in regard to HERBERT KAUFMAN than those involving [ ] which resulted in a reversal by the Ninth Circuit Court. Assistant United States Attorney NISSEN subsequently submitted an Offer of Proof and to date, Judge STEPHENS has not made a ruling in this matter and until a decision is made, no action can be taken on the remaining indictments.

The Commissioner's warrant on [ ] remains outstanding. Assistant United States Attorney NISSEN desires to resolve the government's position on prosecution prior to initiating any action to dismiss any process against the subjects.

Investigation by a foreign police agency reflects that as of April 1968, [ ] who was born [ ] was residing [ ] He is not properly registered as a foreigner. He is reportedly employed by the [ ], no address given. In the event further information is received regarding [ ] by the above agency, the Federal Bureau of Investigation will be notified.

Disposition sheet reflecting Ninth Circuit reversal of [ ] conviction was previously submitted.

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>10/28/68</b>	INVESTIGATIVE PERIOD <b>4/23 - 10/10/68</b>
TITLE OF CASE <b>JOSEPH PETER SOLDIS; CARL LOVELACE CLEMENT;</b>		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 1.2em;"></div>	TYPED BY <b>rj</b>
		CHARACTER OF CASE  <b>FBW</b>	

**REFERENCES:** Report of SA  at Los Angeles, *WPC* 10  
dated 2/26/68. -25  
Los Angeles letter to Bureau, dated 4/30/68. 248 2

- C -

ADMINISTRATIVE

The period of this report includes numerous contacts with the Office of the United States Attorney, Los Angeles, concerning prosecutive action in this matter.

On 9/26/68, Assistant United States Attorney MICHAEL DE FEO met with representatives of the Chief Special Agent's Office, Pacific Telephone and Telegraph Office, Los Angeles, and the telephone company legal counsel concerning

ACCOMPLISHMENTS CLAIMED <b>NONE</b>						ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
APPROVED: <i>[Signature]</i> SPECIAL AGENT IN CHARGE						DO NOT WRITE IN SPACES BELOW	
COPIES MADE: 3 - Bureau (166-1765) 1 - USA, Los Angeles (Attn: MICHAEL DE FEO) 1 - Los Angeles (166-507)						<div style="font-size: 1.5em; font-weight: bold;">166-1765-260</div> <div style="border: 1px solid black; padding: 5px; display: inline-block;">6 NOV 1 1968</div> <div style="border: 1px solid black; padding: 5px; display: inline-block; transform: rotate(-10deg);"> <b>STAMP SECT!</b> </div>	
Dissemination Record of Attached Report						Notations	
Agency						<div style="border: 1px solid black; width: 150px; height: 100px; margin: 0 auto;"></div>	
Request Recd.							
Date Fwd.							
How Fwd.							
By							

LA 166-507

this case and other "blue box" cases submitted by the telephone company at the same time.

The matter of the Civil Suit against the telephone company by [REDACTED] in the amount of two and a half million dollars on 5/9/68, was discussed. It was concluded that in view of the adverse decision in a case entitled [REDACTED] ET AL, ITWI; FBW - CONSPRIACY", upon which the Civil Suit was based, prosecutive action in other related cases would probably result in Civil Suits against the telephone company. In addition, it was felt that it would be more desirable to test the FBW Statute in new "blue box" cases developed with evidence not tainted with the recording of the subject's telephone conversations. It was the opinion of the telephone company that new cases will be developed in the near future.

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UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7c

Copy to: 1 - USA, Los Angeles  
(Attn: AUSA MICHAEL DE FEO)

Report of: [REDACTED]

Office: Los Angeles, California

Date: 10/28/68

Field Office File #: 166-507

Bureau File #: 166-1765

Title: JOSEPH PETER SOLDIS;  
CARL LOVELACE CLEMENT;

Character: FRAUD BY WIRE

Synopsis: AUSA MICHAEL DE FEO declined prosecution of SOLDIS and CLEMENT.

- C -

DETAILS

On August 10, 1968, Assistant United States Attorney MICHAEL DE FEO, Los Angeles, advised SA [REDACTED] that he had reviewed the cases involving SOLDIS and CLEMENT.

Mr. DE FEO declined any further consideration of prosecution of SOLDIS because all evidence against him in this matter arose from the monitoring of his telephone calls by telephone company personnel. This would probably result in suppression of evidence following the adverse ruling by the Ninth Circuit Court of Appeals in the case entitled, [REDACTED] [REDACTED] also known as; ET AL; Interstate Transmission of Wagering Paraphernalia; Fraud by Wire - Conspiracy.

With regards to CARL CLEMENT, Mr. DE FEO declined prosecution because:

1. Monitoring of CLEMENT's telephone conversations by telephone company employees, which would probably result in adverse ruling by the Ninth Circuit Court of Appeals as in the case of [REDACTED] (Supra).

LA 166-507

2. Unavailability of pertinent telephone toll records prior to November 1965.

3. Due to the delay in prosecutive action and lack of prosecutive appeal.

SAC, Los Angeles (166-462)

12/3/68

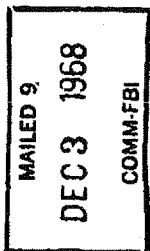
Director, FBI (166-1765)

[Redacted]

ET AL  
ITWI; FBW; CONSPIRACY

Enclosed herewith for the information of the Los Angeles Office and for possible use in future discussions with the United States Attorney are one Xerox copy of a Petition for Rehearing En Banc and opinion rendered 11/18/68 by the Fifth Circuit Court of Appeals in the case of Kenneth Herbert Hanna; et al; ITAR; ITWI; FBW.

Enc. (2)



REC-59 166-1765-261

19 DEC 3 1968

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
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Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

PJB:kem (4) kem

MAIL ROOM ☒ TELETYPE UNIT ☐

Assistant U. S. Attorney DAVID R. NISSEN on 1/28/69 advised that he intends to request the Solicitor General to approve the filing of a notice of appeal to appeal Judge STEPHENS' decision to the Ninth Circuit U. S. Court of Appeals. AUSA NISSEN contends that although the Ninth Circuit reversed a U. S. District Court at Los Angeles conviction of [REDACTED] on the grounds of his telephone calls were monitored over a three month period, which was considered by the Appellant Court as excessive, the other individuals involved in these indictments were in contact with [REDACTED] only at a maximum of a four day period and, therefore, the basis of the [REDACTED] reversal is not applicable to these other cases.

AUSA NISSEN intends to appeal only the following cases:

United States v. THOMAS MILTON BOYD; [REDACTED]  
Indictment filed 6/2/66, No. 36269-CD,  
LA file 166-608;

United States v. [REDACTED]  
Indictment filed 6/2/66, No. 36266-CD  
Superseded 8/11/66 by No. 36513  
[REDACTED]

United States v. KAUFMAN, [REDACTED]  
Indictment filed 6/2/66, No. 36267-CD  
Superseded 8/11/66 by No. 36516,  
[REDACTED]

United States v. NOLAN, [REDACTED]  
Indictment filed 6/2/66, No. 36264  
Superseded 8/11/66 by No. 36515  
[REDACTED]

United States v. [REDACTED]  
Indictment filed 6/2/66, No. 36265  
Superseded 8/11/66 by No. 36514  
[REDACTED]

LA 166-462

Information copies of this letter being submitted to designated offices because of their previous interest in these subjects.

The Los Angeles Office will continue the above cases in a pending inactive status. All other cases arising out of the initial "Blue Box" cases will be closed.

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In view of the above, Los Angeles will close the following cases:

[REDACTED]

FBW

[REDACTED]

ITAR - GAMBLING; FBW

LA 166-516  
GRAY HOFFMAN  
FBW

[REDACTED]

aka

FBW

LA 166-610  
HENRY LOMAN  
ITWI

LEADS

LOS ANGELES

AT LOS ANGELES, CALIFORNIA. Will review records at the U. S. Attorney's Office, Los Angeles, regarding warrant status on [REDACTED]

[REDACTED] Arrange for their dismissal and submit disposition sheets.

(2) Will ascertain status of indictment against VIRGIL HAL SALATHIEL, LA 166-534, and submit disposition sheet if dismissed.



SAC, Los Angeles (166-462)

2-27-69

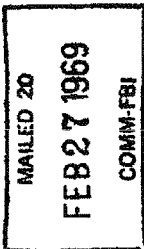
Director, FBI (166-1765)

**ET AL**  
**ITWI; FBW; CONSPIRACY**

Re Bureau letter to Los Angeles, 12-3-68.

Enclosed herewith, for the further information of the Los Angeles office and for possible use in future discussions with the United States Attorney, is one xerox copy of a Petition for Writ of Certiorari filed in the U. S. Supreme Court on 1-27-69, in the case of Kenneth Herbert Hanna; et al; ITAR; ITWI; FBW.

Enclosure



REC-1

166-1765-263

19 FEB 28 1969

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
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Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

PJB:jdp  
(4)

54 MAR 7 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

SAC, Los Angeles (166-462)

4-23-69

Director, FBI (166-1765)✓

  
ET AL.  
ITWI; FBW; CONSPIRACY

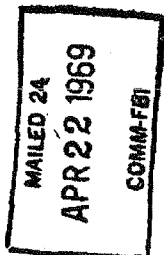
b6  
b7C

*Rm 2*

263  
Re Bureau letter to Los Angeles, 2-27-69.

Enclosed herewith for the further information of the Los Angeles office is one xerox copy of Brief for United States in Opposition, filed in the U. S. Supreme Court in the case of Kenneth Herbert Hanna; Et Al; ITAR; ITWI; FBW.

Enclosure



REC-49 66-1765-264

Tolson \_\_\_\_\_  
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Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

*PJB*  
PJB:jdp  
(4)

53 APR 25 1969

MAIL ROOM ☒ TELETYPE UNIT ☐

19 APR 23 1969

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>7/14/69</b>	INVESTIGATIVE PERIOD <b>6/4/68 - 7/10/69</b>
TITLE OF CASE <b>[REDACTED] aka; ET AL</b>		REPORT MADE BY <b>[REDACTED]</b>	TYPED BY <b>jem</b>
		CHARACTER OF CASE  <b>ITWI FBW - CONSPIRACY</b>	

REFERENCES: Report of SA **[REDACTED]** <sup>254</sup> dated 6/3/68 at Los Angeles.  
Los Angeles letter to Director dated 1/31/69 <sup>117252</sup>

- P\* -

ADMINISTRATIVE

It is noted the investigative period is extensive, this case has been carried in a pending inactive status awaiting Appellate and District Court action and will be continued in this status for the same reason.

ACCOMPLISHMENTS CLAIMED <b>NONE</b>						ACQUIT- TALS	CASE HAS BEEN:  PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
APPROVED <b>Wbb/jmr</b>						SPECIAL AGENT IN CHARGE	
COPIES MADE:  <b>SEE COVER PAGE B</b>						DO NOT WRITE IN SPACES BELOW  <b>166-1765-266</b> <b>REC-62</b>  <b>JUL 17 1969</b>  <b>3 - Bureau (166-1765)</b>	
Dissemination Record of Attached Report						Notations	
Agency	<b>2 CC, AAG Criminal Division,</b>					<b>PPB</b> <b>PPB</b> <b>STX</b>	
Request Recd.	<b>Organized Crime &amp; Racketeering Section</b>						
Date Fwd.	<b>Room 2524</b>						
How Fwd.	<b>7/22/69</b>						
By	<b>10/1/69</b>						

**57 AUG 4 1969**

LA 166-462

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- 1 - Memphis (166-329) (Info)
- 1 - Miami (166-359) (Info)
- 1 - Newark (166-553) (Info)
- 1 - New Orleans (166-87) (Info)
- 2 - San Francisco
- 7 - Los Angeles
  - (1 - 166-607)
  - (1 - 166-608)
  - (1 - 166-609)
  - (1 - 166-611)
  - (1 - 166-612)

LA 166-462

LEADS

BALTIMORE, NEW ORLEANS, ATLANTA, MEMPHIS, AND NEWARK

AT BALTIMORE, NEW ORLEANS, ATLANTA, MEMPHIS, AND NEWARK: Information copies of this report are being sent these offices since primary subjects reside in their areas.

MIAMI

AT MIAMI, FLORIDA: An information copy is being sent Miami in view of possible interest since the recordings in this case were used in Miami's [REDACTED] ET AL case.

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b7C

SAN FRANCISCO

AT SAN FRANCISCO, CALIFORNIA: Will follow Appellate action this case in the Ninth Circuit Court of Appeals.

LOS ANGELES

AT LOS ANGELES, CALIFORNIA: Will follow Appellate Court action.

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7c

Copy to: 1 - USA, Los Angeles

Report of: [REDACTED]

Office: Los Angeles, California

Date: 7/14/69

Field Office File #: 166-462

Bureau File #: 166-1765

Title: [REDACTED]

ET AL

Character: INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FRAUD BY WIRE; CONSPIRACY

Synopsis: United States Attorney's Office, Los Angeles, California, on 6/3/69, sent Appellant's Brief to the United States Court of Appeals for the Ninth Circuit requesting that the Order of the District Court suppressing evidence and dismissing the indictments be reversed in regard to subjects, HERBERT KAUFMAN, EUGENE A. NOLAN, [REDACTED] THOMAS MILTON BOYD, and [REDACTED]. On 6/30/69, United States Attorney's Office, Los Angeles, received a copy of Appellee's application for extension of time to file. Appellant's Brief set out.

- P\* -

DETAILS:

On July 9, 1969, Assistant United States Attorney (AUSA) DAVID E. NISSEN, furnished a copy of an Appellant's Brief which was sent to the United States Court of Appeals for the Ninth Circuit on June 3, 1969. This Brief requests that the Order of the District Court suppressing evidence and dismissing the indictment be reversed in regard to subjects, HERBERT KAUFMAN, EUGENE A. NOLAN, [REDACTED] THOMAS MILTON BOYD, and [REDACTED].

LA 166-462

On June 30, 1969, the United States Attorney's Office at Los Angeles received a copy of Appellee's application for extension of time to file. AUSA NISSEN advised the appellee action for all subjects is being handled by [REDACTED]  
[REDACTED]

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Appellant's Brief is hereafter set out:

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24040

HERBERT KAUFMAN,  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24032

EUGENE A. NOLAN,  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24031

[REDACTED]  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24030

THOMAS MILTON BOYD,  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24000

[REDACTED]  
Appellee.

APPELLANT'S OPENING BRIEF

APPEAL FROM  
THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

WM. MATTHEW BYRNE, JR.,  
United States Attorney,  
DAVID R. NISSEN,  
Assistant U. S. Attorney,  
Chief, Special Pros. Div.,  
1200 U. S. Court House  
312 North Spring Street  
Los Angeles, California 90012  
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IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24040

HERBERT KAUFMAN,  
Appellee.

UNITED STATES OF AMERICA,  
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vs.

No. 24032

EUGENE A. NOLAN,  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24031

[REDACTED]  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24030

THOMAS MILTON BOYD,  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24000

[REDACTED]  
Appellee.

APPELLANT'S OPENING BRIEF

I

JURISDICTION AND  
STATEMENT OF THE CASE

Each of the five appellees were indicted by the Federal

1.

Grand Jury for the Central District of California in separate indictments charging interstate transmission of wagering information in violation of Title 18, United States Code, Section 1084. <sup>1/</sup>

All appellees moved to suppress evidence consisting of tape recordings of telephone calls, and all likewise moved to dismiss the indictments. The motions to dismiss and to suppress evidence were consolidated and considered by the court upon stipulated facts. <sup>2/</sup> On January 27, 1969, the District Court entered a single order suppressing the tape recordings and dismissing the indictments in each of the five cases. [Clerk's Transcript, Kaufman, pp. 73-75]

On February 19, 1969, Appellant, United States of America filed timely notices of appeal in each case. <sup>3/</sup> On May 3, 1969, this Court granted Appellant's motion to consolidate these five cases on this appeal.

The jurisdiction of the District Court was based upon Title 18, United States Code, Section 1084, and this Court has jurisdiction to entertain this appeal under the provisions of Title 28, United States Code, Sections 1291 and 1294, and Title 18, United States

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<sup>1/</sup> Appellees Kaufman, Nolan, [redacted] were indicted on August 11, 1966, in cases numbered 36516, 36515, [redacted] and [redacted] respectively, in each of which [redacted] was charged as a co-defendant. Appellee Boyd was indicted on June 6, 1966 in case number 36269, in which [redacted] was also a co-defendant. [redacted] was tried separately and his conviction was reversed by this Court in [redacted] v. United States, 384 F.2d 643 (9th Cir. 1967).

<sup>2/</sup> Identical stipulations were entered in each case. See the Clerk's Transcripts: Kaufman, p. 66; Nolan, p. 7; [redacted] p. 10; [redacted] p. 5; and Boyd (referred to in Court's order, p. 60).

<sup>3/</sup> See Clerk's Transcripts: Kaufman, p. 76; Nolan, p. 17; [redacted] p. 20; [redacted] p. 15; and Boyd, p. 62.

II

QUESTION PRESENTED

Whether a recipient of telephone calls from a person who is fraudulently using an electronic device to gain illegal access to the telephone company's long distance circuits in order to avoid its billing recordation equipment for the calls has a statutory or constitutional right to the suppression of evidence consisting of tape recordings of these calls made by the telephone company during the first three days it monitored the fraudulent caller's telephone.

III

STATUTE INVOLVED

Title 47, United States Code, Section 605, provides in pertinent part as follows:

"No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee,

---

4/ See United States v. [redacted] 371 F.2d 176 (7th Cir. 1966), and United States v. [redacted] 329 F.2d 848 (2nd Cir. 1964).

his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; . . . ."

IV

STATEMENT OF FACTS

Appellee's motions were decided upon stipulated facts which are set out in full below:

"For several years prior to 1965, certain representatives of Pacific Telephone Company had been aware of, and were investigating the use of, a device constituting a multifrequency signal generator (commonly known as a 'blue box'), which was being manufactured, sold and used for the purpose of completing long distance telephone calls without a record thereof being made, thereby avoiding a charge for the calls.

"Lines of various telephone companies connect with each other so that calls may be placed from one telephone to those in other parts of the United States and throughout the world. Telephone equipment permits the placing of such calls by direct distance dialing. When a direct distance dialed call is properly completed, a record of the call is made on an automatic message accounting tape (hereinafter called 'AMA tape') which records: 1) the calling telephone number, 2) the called telephone number, 3) the date of the call, and 4) the duration of the call. This information is subsequently processed through



electronic data processing equipment which processes completed calls onto cards and is used as a basis for billing the subscriber for the call.

"The universal information number in the United States is 555-1212. When a party dials an information operator outside of his area, the AMA records the placing of the call, but the call is not processed for billing purposes because it is not considered a completed call.

"The function of the 'blue box' is to simulate the tones used by telephone operators and automatic dialing equipment to make long-distance telephone calls. The 'blue box' has a number of buttons each of which has a different frequency or combination of frequencies, and is interpreted by the telephone company's equipment as 1) a number, 2) a seizure of a line, or 3) a disconnect.

"A 'blue box' call is made by first dialing any area code plus the universal information number 555-1212. This rings an information operator in the area dialed. When the ringing commences, the 'blue box' is used to introduce a 2600 cycle-per-second (CPS) tone into the transmitter of the telephone instrument by pressing an appropriate button. This tone disconnects the information operator but retains the circuit in the long distance line. A button on the

'blue box' marked 'start' is then pressed to introduce a tone into the telephone transmitter which causes a toll circuit to be seized. The area code and telephone number of the party being called is then pulsed by pressing, in proper sequence, buttons on the 'blue box' representing the numbers desired. The frequencies used to represent the various numbers are as follows:

<u>NUMBERS</u>	<u>FREQUENCIES IN CPS</u>
1	700 - 900
2	700 - 1100
3	900 - 1100
4	700 - 1300
5	900 - 1300
6	1100 - 1300
7	700 - 1500
8	900 - 1500
9	1100 - 1500
10	1300 - 1500

Another button on the 'blue box' marked 'stop' is then depressed which emits a tone completing the calling operation and causing the called party's telephone to ring.

"At the termination of a 'blue box' call, the 'blue box' user may, without hanging up, again introduce a 2600 CPS tone into the transmitter and pulse another number either with the same or a

different area code. For example, a 'blue box' caller in Los Angeles could call the information operator in San Francisco, and thereafter place numerous calls to telephones all over the country without ever hanging up his telephone. When the caller eventually hangs up his telephone, the AMA tape recording will show:

- 1) the calling number;
- 2) the area code of the information operator called;
- 3) the date of the call;
- 4) the time of connect and disconnect, or duration of the call.

The AMA tape does not disclose the telephone number or numbers called by the user of the 'blue box' after disconnecting the information operator as described above, or the duration of the call or calls and therefore provides no information upon which to base a billing for such calls.

"On occasion, a malfunction of telephone equipment may cause a call to an information operator to be recorded as a completed call. For the purpose of billing accuracy, the telephone company processes its AMA tape to identify calls to information operators shown as completed calls, so that they will not be charged to the subscriber.

Such calls are then grouped together by calling number and form the basis for a check by the telephone company to determine whether there is any malfunction of its equipment. The compiled record of calls to information operators is known as a 'printout'.

"A 'printout' for telephone number 213-656-0723 for November, 1965, came to the attention of telephone company special agents in early December, 1965. It showed more than 200 calls to information operators throughout the country, including up to 38 calls to the same operator in one day. The duration of the calls was far beyond that for the normal information call. This printout indicated to the telephone company special agents that a person or persons were using a 'blue box' to place unbillable calls throughout the United States from telephone number 213-656-0723. A check of telephone company records was then made by the special agents and it was determined that the number was subscribed to by [redacted] room 715, Continental Hotel, 8401 Sunset Boulevard, Los Angeles, California.

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"Although the printout indicated use of a 'blue box' from [redacted] telephone, it did not suggest what person or persons were using it. The special agents knew that it was possible for blue box calls to be made without the subscribers' knowledge by another member

of his household, a guest, an intruder, or by someone making a connection to the subscriber's exterior line. Consequently, the agents caused a physical connection to be made to [ ] telephone with a terminal point in the special agents' office at 742 South Hill Street, Los Angeles, California. The special agents lacked sufficient personnel to monitor [ ] telephone manually for 24 hours per day. Consequently, a tape recorder was purchased and on December 20, 1965, it was connected to the line in such a way as to record while [ ] receiver was off the hook. No monitoring of [ ] phone occurred prior to December 20, 1965. The room where the recorder was located was kept locked and only agents assigned to the investigation were allowed to enter it. On March 24, 1966, the monitoring was discontinued.

"After the tapes were removed from the tape recorder, they were processed to determine the areas and telephone numbers that had been called by use of the blue box. The tapes were also played to determine the duration of these calls. The monitoring tapes thereby provided a record to serve as a basis for the telephone company to make a charge for the calls that were placed by use of the 'blue box'.

"On April 11, 1965 [sic 1966], a special agent of the telephone company met with Assistant United

State Attorney, John Lally, in the United States Attorney's office in Los Angeles, and advised Lally of the fact that the telephone company had evidence that [ ] telephone was being used to place 'blue box' calls in violation of the federal fraud by wire statute, and that the conversations on the tapes 'sounded like gambling.' The monitoring of [ ] telephone had been performed by telephone company agents alone, without the cooperation or even the knowledge of the federal government. After being informed of the existence of tape recordings of these unlawful calls, Assistant United States Attorney Lally caused a grand jury subpoena to be served upon the telephone company, and the tape recordings were produced in response thereto.

"Examination of the tape recordings indicated that [ ] was using a blue box, and was thereby engaged in a wire fraud scheme in violation of Title 18, United States Code, Section 1343, and indictment No. 36276 was returned charging him and co-defendant [ ] with this offense. The same tape recordings also showed that [ ] and certain other individuals were engaged in the interstate transmission of wagering information in violation of Title 18, United States Code, Section 1084. Indictments were returned against these persons as follows:

11.

DefendantsIndictment No.b6  
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[redacted]	Boyd	36269
[redacted]		36513 (36266)
[redacted]	Nolan	36515
[redacted]		36514 (36265)
[redacted]	Kaufman	36516 (36267)
[redacted]	Loman	36270

"The only recordings of conversations to which defendant Kaufman was a party occurred on December 20 and December 21, 1965, the first two days of monitoring. All tapes constituting evidence in the above cases resulted from monitoring during the period December 20 to December 23, 1965, and these telephone tape recordings constitute virtually all of the evidence against each defendant."

ARGUMENT

A. SECTION 605 DOES NOT PROTECT  
ILLEGAL USERS OF A COMMUNI-  
CATION FACILITY.

---

Title 47, United States Code, Section 605, was enacted to protect the means, and not to insure the secrecy, of communications. [REDACTED] v. United States, 355 U.S. 96 (1957). The only Supreme Court authority on the issue of the rights of an illegal user of a communication facility is found in United States v. [REDACTED] 351 U.S. 916 (1956), which affirmed per curiam the Court of Appeal's decision found at 226 F. 2d 281 (9th Cir. 1955), in which the latter court had said:

"[T]o throw a mantle of protection provided by §605 over an outlaw broadcast is to abandon reason . . . before any right of privacy exists the voice must be legally on the air; otherwise one who hears . . . may make full disclosure. . . . "

The [REDACTED] case has been followed in [REDACTED] v. United States, 382 F. 2d 607 (10th Cir. 1967), in which the Court said that Section 605 was adopted to protect:

" . . . authorized users of telephonic or radio facilities; it was not intended as a refuge



for a wrongdoer who uses the telephone in a scheme to violate the wire fraud statute." (p. 611)

In the recent case of Hanna v. United States, 404 F.2d 405 (5th Cir. 1968), the Court held that:

"It must, therefore, be conceded that when the use of the communication facility itself is illegal, section 605 has no application, at least insofar as concerns the person guilty of such illegal uses. Whatever we might otherwise think, this Court is bound by the [redacted] decision." (p. 408)

Additional weight has been added to the [redacted] decision by the case of [redacted] v. United States, 389 U.S. 347 (1967), in which the Supreme Court stated that:

"One who occupies it [a phone booth], shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world," [p. 352] [emphasis added] thereby implying that a person unlawfully obtaining the use of the telephone would not be entitled to Fourth Amendment protection.

B. THE TELEPHONE COMPANY LAWFULLY  
MONITORED THE ILLEGALLY "PLACED"  
CALLS.

---

After becoming aware of the "printout" for November, 1965, showing that telephone number 656-0723 was being used to make vast numbers of information calls of extended duration, the telephone company had strong reason to believe that someone, identity unknown, was using a "blue box" to place calls from that number.

Under these circumstances, the telephone company had not only a right but a duty under several statutes to make certain that this use of its facilities was properly billed. The Communications Act imposes on every telephone company the duty to require all users of its interstate services to pay the tariff-prescribed charges on file with the Federal Communications Commission. No carrier can discriminate between its customers by extending preferential treatment to any. 47 U.S.C. §§202, 203(c). Knowingly to allow those committing electronic toll fraud to receive free service would constitute such discrimination. Furthermore, each carrier is required, under pain of criminal penalty, not to neglect or fail to maintain correct and complete records and accounts of the movements of all traffic over its facilities. 47 U.S.C. §220. Each carrier is also required to collect the federal excise tax levied upon each long distance call. 26 U.S.C. §4251. These duties were explicitly recognized by

the Court in Anna v. United States, 404 F. 405 (5th Cir. 1968).

In addition to permitting the telephone company to discharge its obligations under the law, it is also imperative in the public interest that the company be recognized to have the right to gather necessary proof of thefts of its services. As this Court stated in  v. United States, 384 F.2d 643, 648 (9th Cir. 1967):

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"We do not believe that in the enactment of Section 605, or in any of the provisions of Title 47, Congress intended to deprive communications systems of their fundamental right to take reasonable measures to protect themselves and their properties against the illegal acts of a trespasser." Certainly, the right to protection cannot be limited merely to self-help, but must also include the company's right to obtain protection of the law by furnishing information concerning violations to duly constituted prosecuting agencies.

When wrongdoers break into the telephone network and by use of a "blue box" seize its circuits so that calls can be illegally initiated (by circumventing its automatic billing machinery), the telephone company is faced with the formidable problem of gathering the evidence of such "fraud by wire" for purposes of billing and also for prosecution. Since the services being stolen are the communications themselves, certain of the evidence necessary to establish illegal blue box calling can only be gathered through recording. Such recording was necessary to determine: 1) the identity of the calling blue box user; 2) the location from which the calls are originating; 3) the

location of the party called (distance is a factor in billing); and  
4) the duration of the completed calls (time is a factor in billing).  
The tape recordings were in fact used for precisely this purpose.

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In            v. United States, 384 F. 2d 643, 648 (9th Cir. 1967), this Court recognized the propriety of the telephone company's monitoring of calls "to an extent reasonably necessary for the company's investigation," but stated that "In our view, the monitoring and tape recording for such a length of time [3 months], after ample evidence had been secured of the illegal use by appellant of the company's facilities, was unreasonable and unnecessary."

Actually, the company had a legitimate interest in determining the identity of all persons fraudulently using its equipment, as well as the scope and duration of the fraud being perpetrated upon it. In            v. United States, 382 F. 2d 607 (10th Cir. 1967), telephone company monitoring which continued for a nine month period was held lawful. The company cannot exercise its rights and fulfill its duties unless it is permitted to monitor so long as the unlawful blue box calls continue. Such monitoring could not conflict with Section 605 since that section does not insure privacy to persons stealing from the telephone company.

No matter how the Court may view monitoring for a three month period, there is no issue of monitoring for an unreasonable duration in this case because all of the recordings suppressed were of telephone calls occurring within the three days after the monitoring commenced. None of appellees were parties to calls

monitored thereafter. The fact that [ ] monitoring was continued thereafter gives appellees no ground for complaint since only parties to the conversations have standing to object to telephone monitoring. United States ex rel. [ ] 341 F.2d 823 (2d Cir. 1965); cert. den. 382 U.S. 867 (1965); see also [ ] v. United States, 316 U.S. 114 (1942).

Even if blue box calls between [ ] and appellees had been monitored after the first three days, for such a duration that the monitoring became "unreasonable", this would afford no basis for suppressing recordings made during the initial period of proper monitoring. This is analagous to the well established rule that evidence obtained from a defendant during a brief period of detention does not become inadmissible because of subsequent unnecessary delay in arraignment. United States v. [ ] 355 F.2d 151 (1st Cir. 1965); [ ] v. United States, 313 F.2d 572 (D.C. Cir. 1965).

C. THE TAPE RECORDINGS WERE LAWFULLY  
DISCLOSED TO THE GOVERNMENT.

---

The telephone company, like any other private citizen, has the right and duty to report crimes to the appropriate federal law enforcement authority.

United States v. [ ] 226 F.2d 281 (9th Cir. 1955); aff'd per curiam, 351 U.S. 916 (1956), makes it plain that disclosure is not an issue when the caller is a wrongdoer who

cannot claim the protection of Section 605. Both [redacted] v. b6  
b7C  
United States, 382 F.2d 607 (10th Cir. 1967), and Hanna v.  
United States, 404 F.2d 405 (5th Cir. 1968), recognize the  
propriety of disclosure under these circumstances.

Even assuming arguendo the applicability of Section 605, the disclosure made in this case was proper. This is so because the first clause of the section provides for divulgence of communications transmitted over interstate facilities to, among others, the "proper accounting or distributing officers" and "in response to a subpoena" or "on demand of other lawful authority." With the advent of automation in recent years, the telephone companies' security representatives have taken over some functions of the operator in making certain that toll charges are properly assessed. In the situation where a blue box caller deliberately circumvents the automatic billing machinery, it becomes the function of the company's special agents conducting the investigation to obtain the necessary billing information while the call was "in progress." In these circumstances, they are not conducting an investigation after the fact, but rather are simultaneously conducting the investigation and securing necessary billing information during the actual transmission of each of the fraudulent calls. Thus, the special agents are members of the class engaged in "assisting in receiving . . . or assisting in transmitting" and are also "proper accounting or distributing officers" and as such are expressly authorized to receive and

disclose pursuant to subpoena the information obtained during transmission.

According to the stipulated facts the telephone company notified an Assistant United States Attorney that it had evidence that [ ] telephone was being used to place "blue box" calls in violation of the federal fraud by wire statute, and that the conversations on the tapes "sounded like gambling." Neither the parties names, occupation or telephone numbers were divulged, nor was there any disclosure of the existence or contents of any particular communication. After being informed of the existence of tape recordings of these unlawful calls, the Assistant United States Attorney caused a grand jury subpoena to be served upon the telephone company, and the tape recordings were produced in response thereto. Thus even though Section 605 does not protect the illegally placed calls, in fact the disclosure requirements of that section were completely fulfilled.

Additionally, when the company discovers unlawful activity such as blue box calling, it must disclose the information it possesses or subject itself to the penalties provided in Title 18, United States Code, Section 4, for misprision of a felony.

In conclusion, since the existence and contents of the communications were both lawfully obtained and lawfully divulged without any violation of Section 605, the tape recordings were not subject to suppression upon the motions of appellees, and the indictments were not properly dismissed. See Hanna v. United States, 404 F.2d 405, 408-409 ( 1st Cir. 1968).

CONCLUSION

For the reasons stated, the order of the District Court suppressing evidence and dismissing the indictments should be reversed.

Respectfully submitted,

WM. MATTHEW BYRNE, JR.  
United States Attorney

DAVID R. NISSEN  
Assistant U.S. Attorney  
Chief, Special Prosecutions  
Division

Attorneys for Appellant.



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Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

WA5, 6:35PM TED

URGENT 10-15-69 PWM

TO DIRECTOR (166-1765) PLAINTEXT  
FROM BALTIMORE (166-447)

[REDACTED] AKA; HERBERT KAUFMAN; ET AL  
ITWI; FBW - CONSPIRACY.

JAMES J. JEFFERIES, JR., DEPARTMENTAL TRIAL ATTORNEY,  
TELEPHONICALLY ADVISED SA [REDACTED] BALTIMORE  
OFFICE, HIS TESTIMONY RELATING TO STATEMENTS MADE BY  
HERBERT KAUFMAN AT TIME OF ARREST IN NINETEEN SIXTYSIX  
IN THIS MATTER IS NEEDED NINE A.M., OCTOBER SIXTEEN  
NEXT, DISTRICT OF MARYLAND, AT BALTIMORE. HEARING IS IN  
REGARD TO TAX CASE AGAINST KAUFMAN. GOVERNMENT EXPECTS  
FAVORABLE RULING REGARDING FORFEITURE OF BOND PUT UP BY  
KAUFMAN WHEN ARRESTED NINETEEN SIXTYSIX. SA [REDACTED] WILL  
APPEAR UACB.

END

WA...JTJ FBI WASH DC

ST-140  
REC-62

166-1765-269

OCT 20 1969

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UNITED STATES GOVERNMENT

*Memorandum*

TO : DIRECTOR, FBI (166-1765)

FROM : SAC, LOS ANGELES (166-462)

SUBJECT: [REDACTED] aka;  
ET AL  
ITWI; FBW - CONSPIRACY  
OO: Los Angeles

DATE: 10/22/69

Re report of SA [REDACTED] at Los Angeles  
dated 7/14/69.

Enclosed herewith are one Xerox copy each of  
Appellant's Reply Brief and Appellee's Reply Brief.

Appellant's Opening Brief was submitted to the  
Bureau in referenced report.

Los Angeles, upon receipt of the Ninth Circuit  
Court of Appeals decision on this case, will submit report  
for benefit of pertinent offices.

② Bureau (Encl. 2)  
2 - Los Angeles

EBD/jmb  
(4)

166-1765-270

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( 2) enclosure to Bureau  
to go with Los Angeles re\*\*\* letter  
dated 10/22/69  
Xerox copy each of Appellant's Reply Brief  
and Appellee's Reply Brief  
Re: [redacted] aka; ET AL  
Los Angeles file number 166-462  
Bureau file number 166-1765

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ENCLOSURE

Atla - 174-2-270

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24040

HERBERT KAUFMAN,

Appellee,

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24032

EUGENE A. NOLAN,

Appellee,

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24031

[REDACTED]

Appellee,

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24030

THOMAS MILTON BOYD,

Appellee,

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24000

[REDACTED]

Appellee.

APPELLANT'S REPLY BRIEF

FILED

AUG 8 1969

WM. B. LUCK, CLERK

WM. MATTHEW BYRNE, JR.

United States Attorney

DAVID R. NISSEN

Assistant U. S. Attorney

Chief, Spec. Pros. Div.,

1200 U. S. Courthouse

312 North Spring Street

Los Angeles, California 90012

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Attorneys for Appellant

United States of America

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24040

HERBERT KAUFMAN,

Appellee,

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UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24032

EUGENE A. NOLAN,

Appellee,

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UNITED STATES OF AMERICA,

Appellant,

vs.

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[REDACTED]

Appellee.

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UNITED STATES OF AMERICA,

Appellant,

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No. 24030

THOMAS MILTON BOYD,

Appellee,

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UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24000



Appellee.

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APPELLANT'S REPLY BRIEF

I

ARGUMENT

A. Disclosure of Appellee's Recorded Telephone Conversations Did Not Violate the Federal Communications Act.

As argued in the Government's Opening Brief, Title 47, United States Code, §605, does not apply to persons stealing the use of telephone communication facilities from the telephone company. The Government does not argue "that the disclosure in the present case is governed by the first part of §605" [Appellees' Brief, p. 1], but merely asserts that "even assuming arguendo the applicability of §605, the disclosure made in this case was proper." [Appellant's Opening Brief, p. 19].

Appellees complain that the Government has gone "outside the record" in arguing that "telephone company security representatives have taken over some functions of the operator"

[Appellees' Brief, p. 1]. The stipulated facts reflect that tape recordings made by telephone company special agents "provided a record to serve as a basis for the telephone company to make a charge for the calls that were placed by use of the 'blue box'" [Appellant's Brief, p. 10]. The stipulation also recites at length activities of the special agents designed to detect improper use of telephone company communication facilities. Present-day methods of automatic dialing and billing and security methods designed to prevent their circumvention replaced previous methods in which the operator personally participated in the placing of and billing for calls, and in efforts to prevent improper use of company facilities. Reference in argument to such well-known history is no more "~~outside the record~~" than would be an allusion to the historical

fact that the automobile was preceded by the horse and buggy.

Appellees claim that the telephone company special agent's advice to an Assistant United States Attorney that he possessed recorded telephone conversations which "sounded like gambling," was a disclosure of the existence and contents of the communications in violation of §605. The short answer to this contention is that §605 is inapplicable to such communications. However, even if it were applicable, the furnishing of such information would not violate that section inasmuch as neither the parties named, the telephone numbers involved, nor the existence or content of any particular communication was disclosed. Under appellees' view, wire or radio communication evidence of a crime could never be



produced under subpoena as the statute contemplates, because Governmental authorities could never be informed of its existence in order to subpoena it. Appellees mistakenly cite Hanna v. United States, 404 F.2d 405 (5th Cir. 1968), for the proposition that anti-blue box monitoring is lawful when the non-disclosure requirements of §605 are complied with. Actually, Hanna held that "when the use of the communication facility itself is illegal, Section 605 has no application . . ." [p. 408]. Appellees assert that in  v. United States, 382 F.2d 607 (10th Cir. 1967), and Hanna, supra, "no disclosure was involved in either case except under the issuance of a subpoena duces tecum." [Appellees' Brief, p. 5]. If this is so, then "disclosure" cannot mean what appellees contend. Obviously, subpoenas in neither case could have been issued unless information concerning the telephone recordings was previously brought to the Government's attention.

Appellees characterize the Government's argument as contending that "wire tap evidence is inadmissible for any purpose unless improper use of telephone facilities is involved." [Appellees' Brief, p. 2]. Actually, the Government's position is that telephone recordings are admissible if lawfully obtained. Appellees protest that this would exclude evidence of serious crimes which was unlawfully obtained, but would admit evidence of minor offenses obtained lawfully. The Government can only reply that it does not make the rules but merely follows them.

B. Monitoring Was Necessary to Permit  
the Telephone Company to Perform  
Its Statutory Duties.

---

Appellees argue that the monitoring of their calls was unnecessary because the telephone company has wonderful automatic billing equipment. They neglect to mention that this automatic equipment was precisely what [REDACTED] circumvented when he stole the use of the communication facilities.

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Appellees also claim that the recording of one conversation was sufficient to identify the voice of the blue box user and this was the only purpose to be served by such recording.

Actually, the recording was needed to determine the caller, ~~the points between which the calls occurred, and the duration~~ of the calls. Such information regarding only the first such call would hardly permit the company to perform its duty of charging for and keeping records of all calls, nor would it advise the company of the identity of other blue box users.

Appellees complain that recording of the blue box calls was not the only method available to the telephone company. No doubt the telephone company, with its electronic know-how, could have -- and subsequently did (see Hanna, supra) -- develop equipment which would gather the pertinent information from blue box calls without recording all traffic on the line. However, that the special agents used the means then available to them without waiting for development of new devices which would enlarge a blue box user's privacy while he was stealing

from the company, does not render the monitoring unlawful.

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C. Since the Tape Recordings Were Lawfully Obtained, they Are Admissible against Appellees.

The fact that appellees did not have the blue box on their end of the line does not render the monitoring of their conversations at [ ] end unlawful or inadmissible against them.

See Hanna, supra.

Appellees claim that in the Omnibus Crime Control and Safe Streets Act of 1968, "nowhere did Congress indicate an intention to allow the telephone company to determine when it should tap subscribers' telephones in order to collect fees."

[Appellees' Brief, p. 8]. Actually, Congress appears to have been concerned about the misconstruction of §605 by the Court in [ ] v. United States, 384 F.2d 643 (9th Cir. 1967), and therefore enacted 18 U.S.C. §2511(2)(a), which contemplates monitoring and disclosure of telephone conversations to protect the company's rights and property. Section 2511(2)(a) provides as follows:

"It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal

course of his employment while engaged in  
any activity which is a necessary incident to  
the rendition of his service or to the protection  
of the rights or property of the carrier of such  
communication: Provided, that said communi-  
cation common carriers shall not utilize service  
observing or random monitoring except for  
mechanical or service quality control checks."

See Re [Emphasis added]

## II

### CONCLUSION

For the reasons previously stated, the order of the  
District Court suppressing evidence and dismissing the indict-  
ments should be reversed.

Respectfully submitted,

WM. MATTHEW BYRNE, JR.  
United States Attorney

DAVID R. NISSEN  
Assistant U. S. Attorney  
Chief, Spec. Pros. Div.,

Attorneys for Appellant  
United States of America

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24040

HERBERT KAUFMAN,  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24032

EUGENE A. NOLAN,  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24031

[REDACTED]

Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24030

THOMAS MILTON BOYD,  
Appellee.

UNITED STATES OF AMERICA,  
Appellant,

vs.

No. 24000

[REDACTED]

Appellee.

APPELLEE'S REPLY BRIEF

LAW OFFICES OF [REDACTED]

[REDACTED]

Attorneys for Appellees

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,  
Appellant,

Berger vs. [redacted]

HERBERT KAUFMAN,

Appellee.

No. 24040

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UNITED STATES OF AMERICA,  
Appellant,

vs.

EUGENE A. NOLAN,

Appellee.

No. 24032

UNITED STATES OF AMERICA,

Appellant,

vs.

[redacted]

Appellee.

No. 24031

UNITED STATES OF AMERICA,  
Appellant,

vs.

THOMAS MILTON BOYD,

Appellee.

No. 24030

UNITED STATES OF AMERICA,  
Appellant,

vs.

[redacted]

No. 24000

APPELLEES' REPLY BRIEF



STATEMENT OF FACTS

The decision appealed from was based upon a Stipulation of Fact, as set forth in Appellant's Brief, pages 5 through 12.

ARGUMENT

A. THE DISCLOSURE OF APPELLEES' WIRETAPPED CONVERSATIONS IS A VIOLATION OF THE FEDERAL COMMUNICATIONS ACT.

Section 605 of the Federal Communications Act is made up of two parts. The first part prohibits an employee of a telephone company charged with receiving or transmitting communications from divulging the communication or its substance except in response to a subpoena issued by a Court of competent jurisdiction. The second part of §605 prohibits divulgence or publication of the existence, contents, substance, purport, effect or meaning to any person, even in response to a subpoena. [REDACTED] v. United States, 355 U.S. 96 (1957); [REDACTED] v. United States, 384 F.2d 643 (1967) [REDACTED].

The Government argues that the disclosure in the present case is governed by the first part of §605. The reasoning behind this argument is that "security representatives have taken over some functions of the operator". However, this argument requires the Court to go outside the record. There is nothing in the

Stipulation of Fact to indicate that the security officers had anything

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to do with sending or receiving any interstate communication. If the Government is permitted to assert facts outside the record, it should then be bound by the findings in [redacted] v. United States, supra. In the [redacted] case, the Court found that the same Special Agent involved in the pending cases was not within the class of employees governed by the first part of §605. [redacted] v. United States, 384 F.2d 643, at 656]. Furthermore, even if the special agent were in the class of employee governed by the first part of §605, the disclosure of the fact that [redacted] telephone calls were being taped and that the conversations "sounded like gambling" certainly divulged the existence, purport, effect and meaning of the conversations prior to the issuance of any lawful subpoena.

The Government in effect argues that wiretap evidence is inadmissible for any purpose unless improper use of telephone facilities is involved. To follow this argument to its logical conclusion would require the Court to prohibit the admission of wiretapped evidence of a conspiracy to commit murder, provided the parties utilizing the phone had paid their fees, while allowing the admissibility of wiretapped conversations for the prosecution of minor misdemeanors if one of the parties initiated the call by placing a slug in a pay telephone.

**B. WIRETAPPING WAS NOT REASONABLY  
NECESSARY TO PROTECT THE FACILITIES  
OF THE TELEPHONE COMPANY.**

Even if we concede that the telephone company had the right to eavesdrop to the extent reasonably necessary to protect its facilities, there was no requirement that it record and reveal entire conversations. The Government concludes on page 16 of its Brief that the recording was necessary to determine the following:

1. Identity of calling blue box user;
2. Location from which the call originated;
3. Location of the party called; and
4. Duration of the call.

The telephone company presently utilizes automatic billing equipment which shows the calling number, the location of the party called and the duration of the call. This equipment does not require a tape recorder and is the very equipment which results in millions of telephone billings to consumers. The record does not disclose that eavesdropping was the only method available to protect the telephone company.

The only purpose which could possibly be served by recording conversation would be to identify the user of the "blue box". For voice identification there is no showing that it was necessary to listen in to the entire conversation. Furthermore, recording one conversation in which the blue box was utilized would have been sufficient for the telephone company to take action.

Therefore, any recording beyond that necessary to identify [REDACTED]

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voice the first time he was known to utilize a blue box was neither necessary nor reasonable. [Footnote 5, [REDACTED] v. United States, 384 F.2d at 648].

to establish that the Government's argument is correct. [United States v. [REDACTED], 384 F.2d at 648].

C. APPELLEES ARE ENTITLED TO THE PROTECTION OF §605 REGARDLESS OF ANY ILLEGAL USE OF THE TELEPHONE BY THIRD PARTIES.

Brief

The Government's argument suggests that the Court should discard §605 as respects an illegal user. First, there is nothing in the record to show that the Appellees are in this category. The very tapes involved in the cases on appeal have already been held inadmissible against the only illegal user involved [REDACTED] v. United States, 384 F.2d 643]. The Court is now urged to take the anomalous position of allowing admission of the tapes against legal users while denying their admission in the prosecution of an illegal user. The language cited in Appellant's Brief from [REDACTED] v. United States, 389 U.S. 347 (1967) merely reinforces the sanctity of a telephone conversation. Appellees are surely included in the category of one who "pays the toll that permits him to place a call". Even though they did not place the call, the fixed charges for telephone service grants to the user the right to answer his telephone. In other words, a user pays for the use of his telephone, not merely for the placing of calls. [United States v. [REDACTED], 329 F.2d 848 (1964)].

Secondly, this argument requires the acceptance of the

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ends justifying the means. Until the violation takes place, there is no way of knowing for certain that an illegal user is involved. By way of analogy, an illegal search cannot be justified by the mere fact that the search thereafter reveals that the individual searched was engaged in illegal activities. [redacted] v. United States, 273 U.S. 28 (1927).]

Both the cases of [redacted] v. United States, 382 F.2d 607 (1967) and Hanna v. United States, 404 F.2d 405 (1968) cited by the Government are distinguishable from the present cases for the reason that no disclosure was involved in either case except under the issuance of a subpoena duces tecum. In addition, there was no finding that the special agent of the telephone company was not in the category of employees governed by the first part of §605.

Actually the case of Hanna v. United States, supra, serves to reinforce the [redacted] decision. Hanna was first decided in 393 F.2d 700 (1968) in which the Court of Appeals assumed that prior to the issuance of a subpoena duces tecum the existence and some inkling of the contents of the communications were disclosed to the Government. On rehearing, the Court found that the record was devoid of any such disclosure and for that reason, reversed its earlier decision. In the present case, the statement of fact stipulated to by all parties shows that prior to the issuance of any subpoena the Special Agent of the telephone company advised the Assistant United States Attorney of the fact that conversations had been taped which "sounded like gambling". If the two Hanna cases are read in conjunction, they stand for the proposition that the

recordings in the present case are inadmissible.

           v. United States, 355 U.S. 96 (1957) does not stand for the proposition that §605 of the Federal Communications Act is a statute passed for the benefit of the telephone company. The            decision prohibits divulgence of the existence of an intercepted communication even where state officers were acting under a Court order issued pursuant to a state statute.            v. United States, 355 U.S. 111 decided during the same term as the            case, held that §605 was enacted to protect the right of privacy of participants to a telephone conversation. The very purpose for the passing of §605 was the Supreme Court's decision in            v. United States, 277 U.S. 438, which held that wire-tapping was outside the purview of the Fourth Amendment.

           v. New York, 388 U.S. 41 (1967);            v. United States, 302 U.S. at 386;            v. United States, supra (concurring opinion Justice Frankfurter) ].

United States v.            226 F.2d 281 (1955), which was relied upon by the Government in the            case and cited herein, involved interception of unlicensed radio transmissions. The Federal Communications Commission, whose responsibility it is to issue licenses, is required to maintain control over all channels of radio transmission by listening to broadcasts. Licenses can be suspended for improper transmission such as obscenity, the transmission of a call signal or letter which has not been assigned to the station being operated; or the transmission of false distress signals. [47 U.S.C. §303]. Radio transmission by its very nature

is not entitled to the same degree of privacy as telephonic conversation over a closed wire. Anyone equipped with a radio receiver tuned to the proper frequency can properly overhear radio transmissions. The Court in the [redacted] case stated:

The [redacted] court. The Government must concede that if the facts were the same save that [redacted] had tapped the [redacted] telephone line and obtained the same information without v. United the [redacted] consent as he did by monitoring the air waves, then the trial court's rulings were correct." [226 F.2d at 284].

The court further differentiated from monitoring during a period in which the user was licensed from a period in which he was unlicensed. So long as a licensed use was made, the information obtained from monitoring was limited to enforcement of the Federal Communications Act. Only the information obtained during the unlicensed use was permitted in the criminal prosecution for violation of the Immigration Act.

The Supreme Court recently overruled [redacted] v. United States, supra, and this occasioned an examination by Congress of the field of wiretapping. [redacted] v. New York, supra. As a result of this examination, Congress passed a statute authorizing wiretapping under very stringent circumstances. 18 U. S. C. A. §2510 through §2520 permits wiretapping where the Attorney General or chief prosecuting attorney of a political subdivision has applied for and obtained an Order from a Court of competent jurisdiction. The application requires a strict showing of the

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necessity for the wiretapping, including a showing whether or not other procedures have been tried and failed, or why they reasonably appear unlikely to succeed. The wiretap must be limited to an express number of days not to exceed thirty and periodic reports are required. Wiretaps are only authorized where the gravest felonies or the security of the nation are involved. Nowhere did Congress indicate an intention to allow the telephone company to determine when it should tap subscribers telephones in order to collect fees. To paraphrase [REDACTED]

"In view of §605, we think that if Congress wants the Federal Communications Commission (the Telephone Company) to go into the general crime detection business, it should say so. If it wants to authorize the Immigration Service (the Telephone Company) to listen, we may assume it may do so. We shall not put either agency there by judicial construction." [REDACTED]. United States, 226 F.2d at 285.

Respectfully submitted,

LAW OFFICES OF  
[REDACTED]

Attorneys for Appellees.



## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>BALTIMORE</b>	OFFICE OF ORIGIN <b>BALTIMORE</b>	DATE <b>12/22/69</b>	INVESTIGATIVE PERIOD <b>10/16 - 12/15/69</b>
TITLE OF CASE  <b>"CHANGED" HERBERT KAUFMAN;</b> <b>[REDACTED]</b>		REPORT MADE BY <b>SA [REDACTED]</b>	TYPED BY <b>lrg</b>
		CHARACTER OF CASE  <b>ITWI; FBW - CONSPIRACY; PERJURY</b> <i>WKE</i>	

Title marked "changed" to reflect addition of **[REDACTED]**

REFERENCES:

Report of SA **[REDACTED]** dated 7/14/69<sup>266</sup> at Los Angeles.

- P -

ADMINISTRATIVE DATA:

For information of Bureau and Los Angeles, subject KAUFMAN was one of a number of subjects carried in the title of this investigation as it originally related to violation of ITWI and FBW status. However, as will be noted, the character of Perjury has been added to the character of the case. This was brought about as explained in the details of the report.

ACCOMPLISHMENTS CLAIMED					<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:  PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
APPROVED						SPECIAL AGENT IN CHARGE	
COPIES MADE:						DO NOT WRITE IN SPACES BELOW	
2 - Bureau (166-1765) 1 - USA, Baltimore 2 - Los Angeles (166-607) (1 - USA, Los Angeles) 2 - Baltimore (166-447)						166-1765-273 15 DEC 29 1969 MCT-20 REC-56 EX-109	
Dissemination Record of Attached Report						Notations	
Agency						NOTED STAT SECT.	
Request Recd.	CC, AAG, Criminal Division,						
Date Fwd.	Organized Crime & Racketeering Section						
How Fwd.	Room 2244						
By	S.O.F. 1-6-708						

54 JAN 8/1970  
138

COVER PAGE

BA 166-447

22

ADMINISTRATIVE CONTINUED:

Copies of this report are designated for Los Angeles and USA, Los Angeles for information only since an appeal had been made by USA's Office contesting the order to dismiss indictments as handed down by the U.S. Court of Appeals for the 9th Circuit.

LEADS:

BALTIMORE DIVISION

AT BALTIMORE, MARYLAND

1. Will follow and report prosecutive action against subjects.

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
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Copy to: 1 - UNITED STATES ATTORNEY, BALTIMORE  
1 - UNITED STATES ATTORNEY, LOS ANGELES

Report of: SA [REDACTED] Office: BALTIMORE, MARYLAND  
Date: December 22, 1969

Field Office File #: 166-447 Bureau File #: 166-1765

Title: HERBERT KAUFMAN;  
[REDACTED]

Character: INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FRAUD BY WIRE - CONSPIRACY; PERJURY

Synopsis: [REDACTED] HERBERT KAUFMAN's [REDACTED] petitioned the court in the District of Maryland for return of \$5,000 cash bail which she claimed deposited by her on behalf of HERBERT KAUFMAN when he was arrested 5/25/66 and charged with ITWI. As a result of testimony given by [REDACTED] subject KAUFMAN and [REDACTED] [REDACTED] Office of USA at Baltimore is considering proceeding against all subjects with perjury charges.

- P -

DETAILS:

On December 1, 1969, MR. JAMES H. JEFFRIES, III, Trial Attorney, Tax Division, United States Department of Justice and Assistant United States Attorney (AUSA) CLARENCE E. GOETZ advised that the Department is considering moving against HERBERT KAUFMAN, [REDACTED] with perjury charges. Said charges growing out of hearing before Chief Judge ROSZEL THOMSEN at Baltimore, Maryland on October 16, 1969 when [REDACTED] in sworn testimony advised the court that she as HERBERT KAUFMAN's [REDACTED] put up \$5,000 cash bail for HERBERT KAUFMAN's release when he was arrested on a Federal charge in Baltimore, Maryland on May 25, 1966.

At this time, MR. JEFFRIES made available a memorandum he had submitted to MR. STEPHEN H. SACHS, United States Attorney for the District of Maryland, which reads in part as follows:

Pursuant to your request on October 16, 1959 the following is a narrative summary of events, in chronological order, in the above captioned case.

On May 25, 1956 as part of a nationwide roundup, Herbert Kaufman, Baltimore gambler, Organized Crime Drive figure, and delinquent federal taxpayer, was arrested by the FBI on the basis of a Los Angeles federal grand jury indictment.

He was taken before the United States Commissioner, H. Allen Mezger, and arraigned where a \$5,000 bond was set. According to an FBI memorandum Kaufman sent [redacted] out to get money for the bond, having given him a key ring and indicating a particular key. [redacted] who is Kaufman's [redacted] returned with \$5,000 in cash, for which Kaufman received a receipt.

Since the indictment against Kaufman and his co-conspirators involved an esoteric question of the use of pen register data and Section 605 of the Federal Communications Act of 1934, two of the several defendants were prosecuted in what was essentially a test case. Their convictions were, I believe, ultimately reversed by the Ninth Circuit and the indictments against the remaining defendants, including Kaufman, were dropped.

However, the Government, which has several million dollars in tax liens against Kaufman and which has been engaged in various collection activities, had requested the Maryland District Court to notify it if and when disposition was made of Kaufman's criminal case so that the Internal Revenue Service could levy on Kaufman's cash bond.

Then on June 17 of this year [redacted], Kaufman's attorney in the civil tax matters, attempted to secure an ex parte order from the Court "returning" the cash bond to one [redacted] the asserted owner of the cash. The

proposed order was accompanied by a verified petition suggesting without specifically declaring that the cash belonged to [redacted]. Among other things [redacted] swore that "On May 25, 1966, the said Herbert Kaufman, being without funds, telephoned your Petitioner [redacted] and asked her if she could put up \$5,000.00 cash bail in order to free him from incarceration." (Petition, para. 2)

[redacted] also swore that "Your petitioner readily agreed to the request of the said Herbert Kaufman and thereafter delivered to the United States Commissioner, H. Allen Mazger (sic - Mezger), the cash sum of \$5,000.00 which was accepted as cash bail for the said Herbert Kaufman." (Petition, para. 3) (emphasis added).

[redacted] also swore that "... your Petitioner is entitled to the return of the \$5,000.00 cash bail which she deposited with this Court on behalf of the said Herbert Kaufman." (Petition, para. 5) (emphasis supplied).

Since [redacted] was Kaufman's [redacted] since she is not and has not been gainfully employed, since she is known to have been the recipient of assets fraudulently conveyed by Kaufman to defeat collection of his taxes, and since she was known not to have been near the Commissioner's office on May 25, 1966, the United States responded vigorously by denying the allegations of the petition, by alleging collusion by Kaufman and [redacted] and by moving to enforce its lien against the fund.

Apparently piqued by the language of the Government's response, [redacted] in a letter of complaint to you dated July 30, 1969, stated in part:

"I might further point out that my original petition is filed under oath .....I reviewed this matter very thoroughly before filing the petition, especially in light of Mr. Kaufman's problems with the Government, and assured myself to the best of my ability that the facts contained in the petition and the affidavit were true."

At a hearing in this matter on Thursday, October 16, 1969 before Chief Judge Thomson, [redacted] called as witnesses, [redacted] Mr. Kaufman and [redacted]

In an incredible tissue of lies [redacted] testified on direct examination essentially that she was called on the telephone on the morning of May 25, 1969 by David Lipnick, an employee of her father who is now dead. Lipnick told her of her father's arrest but was not calling for money. She volunteered to furnish the cash out of a sum she was keeping at home to prevent Government seizure. She took the cash in 10s and 20s, counted it, put it in a manila envelope, took it to Kaufman's office on North Avenue, gave it to Lipnick and returned home.

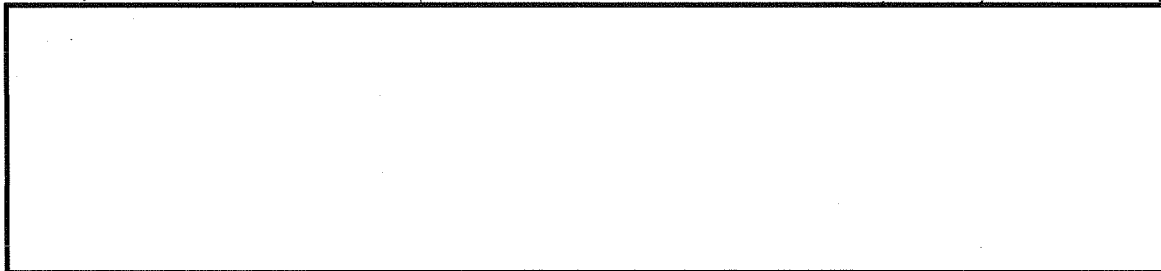
On cross examination [redacted] admitted that nobody at [redacted] knew about her lockbox at home, that her husband did not know the contents (\$5,000) which she had accumulated over a long period from gifts of money, principally from her Grandmother who died last week; that there were no \$100 bills in the sum delivered; that she counted it in a few minutes; that it was a stack of currency 6 inches high and not wrapped in money wrappers.

She also admitted on cross that, contrary to her petition, she did not receive a telephone call from her father, and she did not deliver the money to the Commissioner or the Court. At this point Judge Thomsen suggested that [redacted] may have committed a contempt of the Court in filing the petition and warned the witness of her right not to incriminate herself and to consult with her attorney, [redacted].

Aside from [redacted] admitted false statements she was also contradicted by Commissioner Mezger who testified it took him an hour to count the currency, that it included about 8 one hundred dollar bills and that several bundles had currency wrappers on them. She was partially contradicted by the witness Davis who testified on cross that when he arrived at the North Avenue office [redacted] was not there and that he immediately took the envelope of money from David Lipnick and departed, and that Lipnick had no doubt put the currency wrappers on the money since that was his practice. [redacted] had testified that [redacted] was present when she got there and that she left immediately after giving the deceased Lipnick the money.

At the conclusion of the Government's case the Court listened to argument by [redacted] but did not wish to hear argument by the United States. The Court declared the petitioner's story inherently incredible and ruled from the bench granting the Government's motion.

- 4 -



b6  
b7C  
b7D

On December 9, 1969, [redacted] Rolling Park Country School, West University Parkway, Baltimore, advised that records of that institution reflect that [redacted] have one child, [redacted] in the [redacted] year at this school. She said that the school holds an annual affair; however, there is no record of [redacted] having ever acted as chairman of this affair which is always held the first Saturday in each December between 11:00 a.m. and 5:00 p.m. She said school records do indicate that [redacted] was class mother in 1967; however, she was not chairman of the fair that year.

b6  
b7C

[redacted] advised on December 10, 1969 that she had learned that [redacted] was [redacted] of the candy sale for 1969, however, this was not connected in any way with the annual affair.

On December 10, 1969, [redacted] Rolling Park Country School, advised that she was not aware of [redacted] or anyone else having left a cash box at the school at any time; however, she did look through a cupboard where lost and found items are placed and she discovered a gray metal cash box measuring 10 $\frac{1}{4}$ " x 2 $\frac{1}{4}$ " x 7 $\frac{1}{4}$ ", which someone apparently had turned in as having been found. She said she has no idea how long the cash box had been in this cupboard, who turned it in or the identity of the owner. This box has a lock, however, no key was found with it.

On December 15, 1969, [redacted] of the Rolling Park Country School, made available the above described cash box to SA [redacted]

The Last Will and Testament of REBECCA RONIS KAUFMAN who died on October 2, 1969 was filed with the Orphans' Court for the city of Baltimore, Maryland on October 10, 1969 under account #97954 and admitted to probate on November 3, 1969. The executors for this estate were MRS. KAUFMAN's sons, [redacted] of [redacted] and HERBERT, 1615 W. North Avenue, as well as [redacted]

BA 166-447

[REDACTED] The attorney was listed as [REDACTED] Excerpts  
from this will are reflected as follows:

Item #10 - a diamond bracelet to MRS. KAUFMAN's  
[REDACTED]

Item #11 - \$1,000 cash to [REDACTED]  
[REDACTED]

Item #12 - \$1,000 to [REDACTED]  
[REDACTED] son, HERBERT KAUFMAN;

Item #13 - (a) \$1,000 to [REDACTED]  
[REDACTED]

(b) \$1,000 to [REDACTED]  
[REDACTED]

(c) \$1,000 to [REDACTED]  
[REDACTED]

Item #17 - residue of estate to [REDACTED]  
HERBERT KAUFMAN and [REDACTED] and two survivors of these  
individuals.



## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>BALTIMORE</b>	OFFICE OF ORIGIN <b>BALTIMORE</b>	DATE <b>2/27/70</b>	INVESTIGATIVE PERIOD <b>1/6 - 2/10/70</b>
TITLE OF CASE  <b>CHANGED HERBERT KAUFMAN;</b> <b>[REDACTED]</b>		REPORT MADE BY <b>SA [REDACTED]</b>	TYPED BY <b>lhs</b>
		CHARACTER OF CASE  <b>ITWI; FBW - CONSPIRACY; PERJURY</b>	

The title is marked CHANGED to reflect the deletion of the name  
**[REDACTED]**

REFERENCE:

Baltimore report of SA **[REDACTED]** dated 12/22/69.<sup>213</sup>

- P -

ADMINISTRATIVE DATA:

An information copy of this report is being sent to the Los Angeles Division, and one is being designated to the United States Attorney, Los Angeles, since Los Angeles has a prosecutive interest in HERBERT KAUFMAN under the ITWI and FBW - CONSPIRACY violations.

The ITWI and FBW - CONSPIRACY violations have been

ACCOMPLISHMENTS CLAIMED					<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
							PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED

SPECIAL AGENT  
IN CHARGE

DO NOT WRITE IN SPACES BELOW

## COPIES MADE:

2-Bureau (166-1765)  
1-USA, Baltimore, Maryland  
2-Los Angeles (166-607) (INFO)  
(1 - USA, Los Angeles)  
2-Baltimore (166-447)

**166-1765-275** REC 62**4 MAR 3 1970**

## Dissemination Record of Attached Report

## Notations

Agency	
Request Recd.	
Date Fwd.	
How Fwd.	
By	

**Organized Crime & Racketeering Section**  
**Room 2744**

**STAT SECT.**

**57 MAR 11 1970****COVER PAGE**

BA 166-447

pending for over a year in the Los Angeles Division, however, the matter has been in a closed status in the Baltimore Division. The PERJURY investigation was instituted in October of 1969.

LEAD:

BALTIMORE DIVISION

AT BALTIMORE, MARYLAND

Will follow and report prosecutive action against KAUFMAN  
and

b6  
b7C

B\*  
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7c

Copy to: 1-UNITED STATES ATTORNEY, BALTIMORE, MARYLAND  
1-UNITED STATES ATTORNEY, LOS ANGELES, CALIFORNIA

Report of: SA [REDACTED] Office: Baltimore, Maryland  
Date: February 27, 1970

Field Office File #: 166-447 Bureau File #: 166-1765

Title: HERBERT KAUFMAN;  
[REDACTED]

Character: INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FRAUD BY WIRE - CONSPIRACY; PERJURY

Synopsis: This matter was presented to a FGJ, Baltimore, Maryland, 2/10/70, and True Bill returned, charging KAUFMAN and [REDACTED] with Conspiracy, Perjury, and Subornation of Perjury.

- P -

DETAILS:

Assistant United States Attorney (AUSA) CLARENCE E. GOETZ, Baltimore, Maryland, and Departmental Attorney JAMES H. JEFFRIES, III, brought HERBERT KAUFMAN and [REDACTED] before a Federal Grand Jury (FGJ) sitting at Baltimore, Maryland.

The jury subsequently returned a True Bill on February 10, 1970, charging KAUFMAN and [REDACTED] under Criminal Docket Number 70-051-W, with Conspiracy to Defraud the United States, False Claim, Perjury, and Subornation of Perjury, under Title 18, United States Code, Sections 286, 287, 1621, and 1622.

The following is a record of the indictment:

BA 166-447

On February 12, 1970, PAUL R. SCHLITZ, Clerk of the Federal Court, Baltimore, Maryland, notified KAUFMAN and [REDACTED] by written communication that they are to appear for arraignment before Federal Judge R. DORSEY WATKINS on February 20, 1970, at 10:00 A.M.

b6  
b7C

SAC, Los Angeles (166-462)

4/7/70

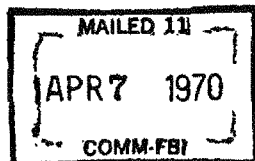
Director, FBI (166-1765)

DEC-129 ST-1178

[redacted] aka  
ET AL.  
ITWI; FBW-CONSPIRACY

Re San Francisco letter to Bureau, 3/24/70.

Los Angeles office should check with the office of the United States Attorney and advise status of the indictments against Kaufman, Nolan, [redacted] Boyd and [redacted] in view of the affirmation by the Ninth Circuit Court of Appeals of the judgment of the District Court with respect to them.



Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Walters \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

PJB:rjw  
(4)

F 297

MAIL ROOM ☒ TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

# Memorandum

b6  
b7c

TO : DIRECTOR, FBI (166-1765)  
FROM : SAC, SAN FRANCISCO (166-314)(RUC)

DATE: 3/24/70

SUBJECT: [REDACTED], aka;  
ET AL  
ITWI; FBW - CONSPIRACY  
OO: Los Angeles

## LIAISON WITH THE CLERK OF THE NINTH CIRCUIT COURT OF APPEALS

Re San Francisco letter to Bureau dated 1/28/70.

The records of the court were checked on 2/12/70,  
2/24/70, 3/9/70 and 3/17/70.

It was noted that on 1/15/70 the judgment of the  
District Court was affirmed with respect to the appeals of  
HERBERT KAUFMAN, Docket Number 24040; EUGENE A. NOLAN, Docket  
Number 24032; [REDACTED], Docket Number 24031;  
THOMAS MILTON BOYD, Docket Number 24030; [REDACTED]  
[REDACTED] Docket Number 24000. The court affirmed the  
ruling citing the authority of [REDACTED] vs. U. S., 384F 2d  
643 (9th Circuit 1967).

2 - Bureau  
2 - Los Angeles (166-462)  
(1 - 166-607)  
(1 - 166-608)  
(1 - 166-609)  
(1 - 166-611)  
(1 - 166-612)  
2 - San Francisco  
BHC:cae  
(11)

REC-90

166-1765-278

9 MAR 26 1970

UNITED STATES GOVERNMENT

# Memorandum

b6  
b7c

TO DIRECTOR, FBI (166-1765)

DATE: 4/20/70

FROM SAC, LOS ANGELES (166-462) (P)

SUBJECT  aka  
ET AL  
ITWI; FBW - CONSPIRACY

Re Bureau letter to Los Angeles dated 4/7/70,  
and Memphis report of SA  dated 2/26/70,  
captioned, "THOMAS MILTON BOYD, aka, ITWI; ITAR - G".

Assistant United States Attorney (AUSA) DAVID  
R. NISSEN on 4/14/70, advised he is giving consideration  
to developing some other avenue to prosecution in the  
cases arising out of instant case, but believes that the  
affirmation of the Ninth Circuit to the appeals in these  
cases probably negates any additional prosecutive action.

AUSA NISSEN will be recontacted in the near  
future for his final decision in this matter, and the  
Bureau and interested offices will be advised.

2 - Bureau  
2 - Memphis (165-8)  
2 - Los Angeles

EBD/lce  
(6)

54 APR 30 1970

5010-108

REC- 56

166-1765-279

APR 22 1970

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

# Memorandum

b6  
b7c

TO : DIRECTOR, FBI

DATE: APRIL 28, 1970

FROM : SAC, BALTIMORE (166-447) P\*

SUBJECT: *Gns*  
HERBERT KAUFMAN; *NR*  
[REDACTED] *NR*  
ITWI; FBW  
CONSPIRACY; PERJURY

Re report of SA [REDACTED] dated 2/27/70,  
at Baltimore.

*A*  
On April 8, 1970, Mr. JAMES H. JEFFERIES, III,  
advised SA [REDACTED] that a trial date has not  
been set in this matter as yet, and no decision will be  
reached as to seeking a trial date until sometime in  
May, 1970, therefore, this matter is being placed in a  
pending inactive status, subject to reopening sometime  
in May, 1970, when Mr. JEFFERIES has promised to notify  
the Baltimore Office of any activity in this matter.

Mr. JEFFERIES has advised both KAUFMAN and  
[REDACTED] appeared in Federal Court, at which time they  
entered pleas of innocent. KAUFMAN was released on  
\$5,000 Personal Recognizance Bond and [REDACTED] was released  
on \$1,000 Personal Recognizance Bond. *Wor*

② Bureau  
1 - Baltimore  
MMW:ca1  
(3)

REC 4166-1705-280

APR 29 1970



MAY 8 1970

*518*  
*1970*

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

NINE

SIX



6/12/70

b6  
b7c

RA airtel

EX-110

To: LEGAT, London

From: Director, FBI (166-1765) - 281

HERBERT KAUFMAN

ITWI; FBW - CONSPIRACY;  
PERJURY

Transmitted herewith are two copies of Baltimore letter to Bureau 6/8/70 together with three copies of a letterhead memorandum and a photograph of Herbert Kaufman.

As indicated, Kaufman expects to travel to London, England, on or about June 25, 1970, via Trans World Airlines. Upon verification of Kaufman's travel plans, you will be so notified.

It is requested that you, if possible, arrange to have Kaufman's baggage and person thoroughly searched by British Immigration authorities upon his arrival in London in order to determine whether or not he has any large amounts of cash or negotiable instruments in his baggage or on his person. The Bureau should be advised of the results of search conducted.

Encs. (5)

NOTE: Action cleared through SA [redacted] Foreign Liaison Unit, Domestic Intelligence Division.

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Walters \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

WJB:rad  
(4)

56 JUN 29 1970

MAIL ROOM [ ] TELETYPE UNIT [ ]

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (166-1765) DATE: June 8, 1970

FROM : SAC, BALTIMORE (166-447) P

SUBJECT: HERBERT KAUFMAN;  
[REDACTED]  
ITWI; FBW - CONSPIRACY;  
PERJURY

Re Baltimore letter, dated April 28, 1970.

Enclosed for the Bureau are five copies of a LHM, dated as above, and captioned, "HERBERT KAUFMAN, INTERSTATE TRANSMISSION OF WAGERING INFORMATION; FRAUD BY WIRE - CONSPIRACY; PERJURY".

On June 4, 1970, Mr. JAMES H. JEFFERIES, III, Departmental Attorney, advised that KAUFMAN appeared before Federal Judge R. DORSEY WATKINS on May 28, 1970, and indicated to the court a desire to travel on personal business to London, England. The judge would not require KAUFMAN to divulge the nature of his business. He did elicit from KAUFMAN a statement that the travel and other necessary funds for the trip were being made available by friends and relatives.

Mr. JEFFERIES desired that KAUFMAN be searched prior to leaving the United States by Customs authorities, but contact with that agency determined that this would be impossible due to certain legal implications.

It is requested that the Legat in London, England, if possible, arrange to have KAUFMAN's baggage and person thoroughly searched by British immigration authorities upon arrival on June 25, 1970. He is believed to be traveling by TWA; however, this is not verified to date. The purpose of the search would be to determine whether or not he has any large amounts of cash or negotiable instruments in his baggage or on his person. If he does have either of the above, it is altogether possible that he intends to go to Switzerland from London to deposit said funds in a Swiss bank, since it is believed he now has sizeable deposits in Swiss banks.

2-Bureau  
1-Baltimore  
MMW:lhs  
(3)

(ENCS-5)

ENCLOSURE  
ENCLOSURE ATTACHED

REC-3

EX-110

JUN 11 1970

MMW:TWX  
[REDACTED]



5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

BA 166-447

It is also possible that he will make withdrawals and bring cash back into this country, but of course, if he does, this can be determined through a search by United States Customs upon his return to this country.

When KAUFMAN's reservations have been confirmed, Baltimore will notify the Bureau in order that the message may be relayed to the Legat in London. The LHM with a photograph of KAUFMAN attached is being transmitted at this time in order that the information may be forwarded to Legat, London for their information.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Baltimore, Maryland 21202

In Reply, Please Refer to  
File No. BA 166-447

June 8, 1970

b6  
b7c

RE: HERBERT KAUFMAN  
INTERSTATE TRANSMISSION OF  
WAGERING INFORMATION; FRAUD BY  
WIRE - CONSPIRACY; PERJURY

HERBERT KAUFMAN is a Baltimore, Maryland gambler and an organized crime-drive figure of the United States Department of Justice. He is a delinquent Federal taxpayer owing the Government in excess of nine millions of dollars. He was arrested by the Federal Bureau of Investigation (FBI) on the basis of a Los Angeles, California Federal Grand Jury (FGJ) indictment.

KAUFMAN arraigned on FBI indictment and released on \$5,000 bond in 1966. In 1969, KAUFMAN's [redacted] petitioned the Federal Court at Baltimore to return the above-mentioned \$5,000 cash bond to her, as the money had actually been loaned to [redacted] by her.

Investigation has determined that this money was, in fact, funds belonging to KAUFMAN, and was never the property of [redacted]. Consequently, the United States Attorney's Office at Baltimore, through Departmental Attorney JAMES H. JEFFERIES, III, presented this matter before a FGJ, and a true bill was returned indicting KAUFMAN for the crime of perjury. At the time Mr. KAUFMAN appeared before a Federal Judge in the above-mentioned petition of [redacted], he vowed poverty and said he had no income. He subsequently on May 25, 1970, requested Federal Judge R. DORSEY WATKINS, Baltimore, Maryland, permission to travel to London, England on business. He informed the judge, at the time of his request, that his transportation and living expenses for this business trip were being financed through family and friends.

Prior investigation has indicated that KAUFMAN probably has extensive cash deposits in various Swiss banks, and it is entirely possible that he intends to transact some business there on his proposed trip to London, England, about June 25, 1970, via Trans World Airlines (TWA).

166 - 1765 - 281

ENCLOSURE

BA 166-447

KAUFMAN is described as follows:

Name:	HERBERT KAUFMAN
Alias:	Herbie
Sex:	Male
Race:	White
Date of Birth:	November 30, 1910
Place of Birth:	Baltimore, Maryland
Height:	6'
Weight:	180 pounds
Build:	Medium
Hair:	Brown - thinning; Receding hairline
Eyes:	Brown
Complexion:	Medium
FBI #:	817 730 C

A photograph of HERBERT KAUFMAN, which is an excellent likeness although taken in 1958, is attached hereto.



FEDERAL CORRECTIONAL INSTITUTION  
DANBURY, CONNECTICUT  
14183-CT  
H KAUFMAN  
11-21-58



HERBERT KAUFMAN  
FBI #817 730 C  
COPY

6/26/70

b6  
b7c

CODE

CABLEGRAM

IMMEDIATE

TO LEGAT LONDON

FROM DIRECTOR FBI

HERBERT KAUFMAN, [REDACTED] ITWI; FBW - CONSPIRACY;  
PERJURY.

REBUAIRTEL JUNE TWELVE LAST. 166-1765-281

KAUFMAN PLANS TO DEPART FRIENDSHIP MARYLAND AIRPORT  
SEVEN P.M. JUNE TWENTY-SIX INSTANT ON PAN-AM FLIGHT SIXTY  
WITH EXPECTED ARRIVAL TIME IN LONDON SIX FIFTY-FIVE A.M.,  
JUNE TWENTY-SEVEN NEXT. HANDLE LEAD SET FORTH REAIRTEL.

1 - Foreign Liaison Unit

NOTE: Kaufman, a long-time notorious Baltimore gambler is traveling to London with a possibility of further travel to Switzerland and allegedly may be carrying large amount of cash or negotiable instruments in baggage or person. Departmental Attorney, Baltimore, requests Kaufman and his baggage be thoroughly searched upon his arrival, London. Reairtel requested Legat, London, to arrange if possible to have Kaufman's baggage and person thoroughly searched by British Immigration authorities and to advise Bureau results of search.

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Walters \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

EB:rad  
(5)

54 JUL 8 1970

MAIL ROOM [ ] TELETYPE UNIT [ ]

EX-105

REC-43

VIA TELETYPE  
ENCIPHERED

19 JUN 29 1970

NA  
62320  
UN

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

JUN 23 1970

TELETYPE

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Walters	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

b6  
b7C

NR003 BA PLAIN

6:16PM 6-23-70 NITEL JEE

TO DIRECTOR (166-1765)

FROM BALTIMORE (166-447) 1P

HERBERT KAUFMAN.



ITWI. FBW - CONSPIRACY

PERJURY.

RE BALTIMORE AIRTEL, DATED JUNE EIGHT LAST.

RE AIRTEL ENCLOSED LHM CONCERNING PROPOSED TRAVEL OF KAUFMAN. INVESTIGATION REFLECTS KAUFMAN HAD MADE RESERVATIONS PAN AM AIRWAYS TO DEPART BALTIMORE FOR LONDON, ENGLAND, JUNE TWENTY-FIVE, NEXT, BUT CANCELLED OUT JUNE NINETEEN LAST. BALTIMORE KNOWS OF NO FURTHER TRAVEL PLANS OF KAUFMAN, BUT WILL ADVISE IMMEDIATELY IF ANY DETERMINED.

END

EX-117

REC-28

166-1765-283

16 JUN 30 1970

53 JUL 9 1970

CC-MR. ROSEN F290



FBI

Date: 6/30/70

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO : DIRECTOR, FBI (166-1765)

FROM : LEGAT, LONDON (166-6) (RUC)

SUBJECT: HERBERT KAUFMAN;  
[REDACTED]  
ITWI; FBW - CONSPIRACY;  
PERJURY

ReBucab 6/26/70. <sup>282</sup>

Subject KAUFMAN arrived London as indicated in recab, and through sources, Legat, was given a thorough personal and baggage customs search. He had nothing in his possession except approximately \$600 in cash. Customs Officers said subject appeared nervous and immediately accused them of being in direct contact with U. S. Income Tax authorities. KAUFMAN was assured that this was a routine Customs search only. KAUFMAN indicated he would only be in London for two days staying at the Churchill Hotel, and would then leave for the U. S.

A check later at the Churchill Hotel failed to reflect anyone registered in subject's name. Subject was traveling on U. S. Passport #K174431.

(3) - Bureau  
1 - Liaison  
1 - London  
ACM:ejg  
(5)

0-7 2/5 to BIA  
7-7-77  
STP  
enc.

REC-42

EX 103

JUL 6 1970

Approved: \_\_\_\_\_

Sent \_\_\_\_\_ M Per \_\_\_\_\_

66 JUL 13 1970 Special Agent in Charge

FBI

Date: 7/7/70

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (166-1765)  
FROM: SAC, BALTIMORE (166-447) P  
SUBJECT: HERBERT KAUFMAN; ET AL  
ITWI; FBW  
CONSPIRACY - PERJURY  
OO: BALTIMORE

On 7/5/70, [REDACTED] U. S. Customs Officer, Baltimore, Maryland, advised that HERBERT KAUFMAN and wife returned at 4:45 p.m. that date aboard Pan American Airways flight from London, England to Friendship Airport, Baltimore, Maryland. He said a search of the KAUFMANS' persons and luggage revealed nothing of an unusual nature, and only a small amount of cash was found.

KAUFMAN's trial is to begin July 20, 1970 in the USDC, Maryland, before Judge ALEXANDER HARVEY II.

EX-114

REC-34

166-1765-285

JUL 8 1970

2 - Bureau  
1 - Baltimore  
MMW:tah (3)

59 JUL 16 1970

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

## FEDERAL BUREAU OF INVESTIGATION

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b7c

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>7/8/70</b>	INVESTIGATIVE PERIOD <b>7/10/69 - 6/30/70</b>
TITLE OF CASE <b>[REDACTED] aka; ET AL</b>		REPORT MADE BY <b>[REDACTED]</b>	TYPED BY <b>cjc</b>
		CHARACTER OF CASE  <b>ITWI; FBW - CONSPIRACY</b>	

REFERENCES: Los Angeles report of SA **[REDACTED]** dated 7/14/69. *266*

- C -

ADMINISTRATIVE

It is noted the investigative period is extensive. This case has been carried in a pending inactive status, awaiting Appellate and District Court action.

ACCOMPLISHMENTS CLAIMED						<input checked="" type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
APPROVED <i>W661g</i>						SPECIAL AGENT IN CHARGE		
COPIES MADE:						DO NOT WRITE IN SPACES BELOW		
See Cover Page B						166-1765-286		
						JUL 16 1970		
						REC 45		
						EX-117		
Dissemination Record of Attached Report						Notations		
Agency								
Request Recd.								
Date Fwd.								
How Fwd.								
By								
55 SEP 1 1970						STAT. SECT.		

COVER PAGE

LA 166-462

Copies Made:

- ③ - Bureau (166-1765)
  - 2 - USA, Los Angeles
    - (1 - Attn: Special Prosecution Unit)
    - (1 - Attn: Attorney in Charge,  
ALFRED N. KING, Strike Force)
  - 1 - Atlanta (166-182)(Info)
  - 1 - Baltimore (166-447)(Info)
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  - 1 - Miami (166-359)(Info)
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  - 1 - New Orleans (166-87)
  - 7 - Los Angeles (166-462)
    - (1 - 166-607)
    - (1 - 166-608)
    - (1 - 166-609)
    - (1 - 166-611)
    - (1 - 166-612)
- 

LEADS

ATLANTA, BALTIMORE, MEMPHIS, MIAMI, NEWARK and  
NEW ORLEANS (INFO)

Information copies are being sent to receiving offices,  
in view of their interest in subjects involved.

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7c

Copy to: 2 - USA, Los Angeles (1 - Attn: Special Prosecution Unit)  
(1 - Attn: Attorney in Charge,  
ALFRED N. KING, Strike Force)

Report of: [REDACTED]  
Date: 6/31/70

Office: Los Angeles, California

Field Office File #: 166-462

Bureau File #: 166-1765

Title:

[REDACTED]  
ET AL

Character: INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FBW - CONSPIRACY

Synopsis: [REDACTED] was sentenced for violation Title 18, Section 1084, USC, on 8/15/66, in U.S. District Court, Los Angeles. A co-defendant, HENRY E. LOMAN was acquitted. Charges against [REDACTED] were dropped because of a defective indictment. On 10/20/67, the 9th Circuit Court of Appeals reversed the above [REDACTED] conviction. On 6/3/69, USA, Los Angeles sent an Appellate Brief to the U.S. Court of Appeals requesting the order of the District Court, Los Angeles, suppressing evidence and dismissing the indictment regarding the remaining subjects be reversed. On 1/15/70, the U.S. Court of Appeals, 9th Circuit Court affirmed the judgment of the District Court with respect to the appeals of HERBERT KAUFMAN, EUGENE A. NOLAN, [REDACTED] THOMAS MILTON BOYD AND [REDACTED]. On 4/27/70, USA, Los Angeles, decided no further prosecutive action would be attempted regarding these subjects.

- C -

LA 166-462

DETAILS:

On August 15, 1966, [ ] was sentenced in United States District Court, Los Angeles, for violation of Title 18, Section 1084 of the United States Code (USC) (Interstate Transmission of Wagering Information). A co-defendant HENRY E. LOMAN was acquitted and charges against [ ] in this particular indictment were dropped because of a defective indictment.

On October 20, 1967, the Ninth Circuit Court of Appeals reversed the above [ ] conviction on the basis of excessive monitoring of [ ] telephone calls. This same basis was applicable to subject [ ] in the indictments concerning other subjects. therefore no further action was considered in regard to [ ] in these cases.

Regarding the other subjects in these cases, it is the contention of the United States Attorney at Los Angeles, that very limited monitoring of calls to these other subjects occurred, therefore the basis of the above United States Court of Appeal decision, is not applicable to these subjects.

On June 3, 1969, the United States Attorney at Los Angeles, California, sent an Appellants Brief to the United States Court of Appeals of the Ninth Circuit Court, requesting that the order of the District Court suppressing evidence and dismissing the indictments be reversed in regard to subjects HERBERT KAUFMAN, EUGENE A. NOLAN, [ ] [ ] THOMAS MILTON BOYD and [ ]

On March 24, 1970, the San Francisco Office of the FBI advised that the records of the Clerk of the Court of the Ninth Circuit Court of Appeals were reviewed and that it was noted on January 15, 1970, the judgment of the District Court was affirmed with respect to the appeals of the above mentioned individuals. The Court affirmed the ruling citing the authority of [ ] versus the United States Ninth Circuit Court in 1967.

LA 166-462

On April 27, 1970, Assistant United States Attorney DAVID R. NISSEN advised in view of the above decision of the Ninth Circuit Court of Appeals, no further prosecutive action will be attempted by the United States Attorney's Office at Los Angeles, in regard to the above individuals.

12-19-67)

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## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>BALTIMORE</b>	OFFICE OF ORIGIN <b>BALTIMORE</b>	DATE <b>7/30/70</b>	INVESTIGATIVE PERIOD <b>4/8-7/17/70</b>
TITLE OF CASE <b>HERBERT KAUFMAN;</b> <b>[REDACTED]</b>		REPORT MADE BY SA <b>[REDACTED]</b>	TYPED BY <b>bjd</b>
		CHARACTER OF CASE  <b>ITWI</b> <b>FBW - CONSPIRACY</b> <b>PERJURY</b>	

## REFERENCES:

Baltimore report of SA **[REDACTED]** 2/27/70;  
 Baltimore letter to Bureau, 4/28/70, placing the matter  
 in a pending inactive status;  
 Baltimore letter, 6/8/70;  
 Baltimore teletype to Bureau, 6/23/70;  
 Baltimore airtel to Bureau, 7/7/70.

- P -

## ADMINISTRATIVE DATA:

For information of the Bureau, captioned matter has been  
 carried in the Baltimore Office as a segment of case  
 entitled, **[REDACTED]** aka ETAL, ITWI - FBW;  
 CONSPIRACY" with added character, "PERJURY" to cover  
 KAUFMAN's substantive violation within Baltimore jurisdiction.  
 Bufile 166-1765, BA file 166-447.

ACCOMPLISHMENTS CLAIMED						<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED  COPIES MADE:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
② - Bureau (166-NEW) (166-1765) ① - USA, Baltimore ② - Los Angeles (Info.) (1 - USA, Los Angeles) (Info.) 3 - Baltimore (2 - 166-727) (1 - 166-447)		<b>166-1765-287</b>  <b>REC-4</b>  <b>EX-109</b>  <b>AUG 4 1970</b>

Dissemination Record of Attached Report				Notations
Agency	Request Recd.	Date Fwd.	How Fwd.	
				AUG 12 1970 ORGANIZED CRIME & RACKETEERING SECTION [Signature]

COVER PAGE

GPO : 1968 O - 298-885



BA 166-247

The government's appeal has been denied and Los Angeles (Office of Origin) has closed the [ ] case.

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To facilitate administrative handling, Baltimore is now considering the KAUFMAN violation as a separate violation, and a separate file covering this violation is being created in the Baltimore Office.

On 4/24/70, PCI [ ] advised SA [ ] that [ ] is extremely close to HERBERT KAUFMAN and [ ] He said the mutual concern of these three is betting on sporting events and that they spend a great deal of time in each other's company. He further advised that he has heard that KAUFMAN and [ ] probably engage in accepting layoff wagers in large amounts of money in connection with sporting events.

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b7C  
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LEAD:

BALTIMORE DIVISION

At Baltimore, Maryland

Will follow and report prosecutive action in Federal Court at Baltimore.

B\*  
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7c

Copy to: 1 - United States Attorney, Los Angeles  
1 - United States Attorney, Baltimore

Report of:  
Date:

SA [REDACTED]  
July 30, 1970

Office: BALTIMORE

Field Office File #:

BA 166-437

Bureau File #: 166-1765

Title:

HERBERT KAUFMAN;  
[REDACTED]

Character:

INTERSTATE TRANSMISSION OF WAGERING INFORMATION;  
FRAUD BY WIRE - CONSPIRACY; PERJURY

Synopsis:

Subjects KAUFMAN and [REDACTED] appeared Federal Court in 4/68 and entered pleas of innocent. KAUFMAN released on \$5000 personal recognizance bond. [REDACTED] released on \$1000 personal recognizance bond. Subject KAUFMAN departed Baltimore for London on 6/26/70 and returned Baltimore 7/5/70. KAUFMAN's journey reported to be for personal business.

- P -

DETAILS:

On April 8, 1970, Mr. JAMES H. JEFFREYS III, Departmental Attorney, advised that in April, 1970, HERBERT KAUFMAN and [REDACTED] appeared in Federal Court and entered pleas of innocent. KAUFMAN was released on \$5000 personal recognizance bond. [REDACTED] was released on \$1000 personal recognizance bond.

On June 4, 1970, Mr. JEFFREYS advised that KAUFMAN appeared before Federal Judge R. DORSEY WATKINS at Baltimore on May 28, 1970 and requested permission to travel to London, England. He did not divulge the nature of his business, but said it was personal. He also advised that he was travelling on funds made available by friends and relatives.

Investigation at Pan American Airways subsequently determined that KAUFMAN had made reservations to fly by Pan American from Friendship Airport, Baltimore, Maryland aboard Pan American Flight Number 60 to London, England, departing late afternoon on June 25, 1970 and arriving in London the next morning at about 8:30 a.m., Baltimore time.

On June 19, 1970, it was determined that KAUFMAN had cancelled his reservations which had been made through a local travel agency and no further reservations were made at that time.

On June 25, 1970, [redacted] Pan American Airways, advised that Mr. KAUFMAN and wife had made reservations to fly aboard Pan American Flight 60, departing Friendship Airport about 7:15 p.m., June 26, 1970, for London, England. They purchased a one-way ticket and gave no indication as to their date of return.

On June 26, 1970, a representative of this Bureau advised that KAUFMAN arrived in London on June 27, 1970 and that a search of his person and possessions by British Customs reflected nothing in his possession, except approximately \$600 in cash. KAUFMAN indicated he would only be in London for two days, staying at the Churchill Hotel and then leave for the United States. A check later, in the Churchill Hotel in London failed to reflect anyone by the name of KAUFMAN. KAUFMAN was travelling on Passport Number K 174439.

On July 5, 1970, [redacted] U.S. Customs Inspector, Baltimore, Maryland, advised that HERBERT KAUFMAN and wife returned to the United States by Pan American Airways from London, England at 4:45 p.m. on July 5, 1970. He said a search of KAUFMAN's persons and luggage reveal nothing of an unusual nature and only a small amount of cash was on Mr. KAUFMAN's person.

Assistant United States Attorney (AUSA) CLARENCE E. GOETZ advised on July 7, 1970 that the trial of Mr. KAUFMAN and [redacted] had been set for July 20, 1970 in U.S. District Court, Maryland, before Judge ALEXANDER HARVEY II.

BA 166-907

On July 17, 1970, Mr. GOETZ said that the July 20, 1970 trial date has been cancelled and that Mr. KAUFMAN, who had indicated he could not afford an attorney, decided that he would seek his own counsel when advised by Judge HARVEY that one would be appointed for him unless he did obtain his own counsel.

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b7c

Mr. GOETZ said there is some question now as to whether [ ] will seek a separate trial or not, however this has not been determined, at this time. Mr. GOETZ further advised that a new trial date will probably be in the first week in September, 1970.

UNITED STATES GOVERNMENT

# Memorandum

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TO : DIRECTOR, FBI (166-1765)

DATE: 9/30/70

FROM : *Tk* SAC, BALTIMORE (166-927)(P)

SUBJECT: HERBERT KAUFMAN;

*[Redacted]*  
ITWI;  
FBW - CONSPIRACY;  
PERJURY

*ji*  
Rerep of SA *[Redacted]* dated 7/30/70. <sup>287</sup>

*L.C.*  
AUSA CLARENCE E. GOETZ, Baltimore, advised on 9/28/70 that KAUFMAN's trial, which was originally scheduled to be held in Baltimore the week of October 5, 1970 has been rescheduled for the week of October 12, 1970, to begin at about 10:00 a.m. on October 12, 1970. The matter is to be heard by Judge ALEXANDER HARVEY III.

No report is being submitted at the present time since no investigation has been conducted since last report submitted. *A*

LEADS:

BALTIMORE

AT BALTIMORE, MARYLAND

Will follow and report prosecution.

EX 110

REC 25

*166-1765-288*

OCT 1 1970

② - Bureau  
1 - Baltimore  
MMW:ccs

NINE



5010-108

OCT 1 1970 *208*

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan